

GLOSSARY

*The reform
of the European Union
in 150 definitions*



EUROPEAN
COMMISSION

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FOREWORD

The Intergovernmental Conference on the reform of the European Union institutions opened in Turin on 29 March 1996. Its purpose is to draft the plans for tomorrow's Europe and carry out the institutional changes needed to open the Union up to the countries in Central and Eastern Europe which want to help build the Europe of the 21st century. In plain English, this means adjusting the Treaties to give the European Union the powers it needs to achieve its ambitions. To bring this about, the main targets for the 1996 IGC are to make its institutional system more efficient, so that it can take decisions when there are 20 or 25 Member States, to give the Union greater democratic legitimacy by making its institutions more accountable, to expand the action the European Union takes outside its borders so that it can play its full part on the international stage, and to make its workings more transparent. Of all the challenges the Union will have to face in the years to come, transparency is the crucial one, as it goes right to the heart of ordinary people's concerns.

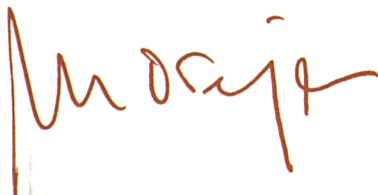
We believe the public needs to be given more information, to make sure that as many people as possible understand what is at stake in overhauling the Treaties. There has to be an openness to the needs and concerns of Europe's citizens if the lack of understanding between the European institutions and those on whose behalf they act is to be overcome. The challenge is to make Europe's citizens aware of the way the European Union is developing by putting out a wide range of information about the choices facing them today.

Three public information campaigns designed to do this were launched in 1996 and are being extended into 1997:

- (i) 'Citizens of Europe', a campaign to make Europe's citizens more aware of their rights;
- (ii) 'The euro, a currency for Europe' sets out to prepare the ground for introducing a single currency;
- (iii) 'Building Europe together' is a campaign running in tandem with the Intergovernmental Conference to motivate the public to face up to the need to reform the Union so as to make it more efficient and deal with the challenges of the future.

In the third of these campaigns, our priority is to win the involvement and the trust of Europe's citizens, since if they are not supportive and involved the task of building Europe will lose its momentum.

The publication of this glossary on the reform of the European Union is a contribution to the work of informing and explaining. Without claiming to be exhaustive, it is a useful instrument in that it provides non-specialists with signposts through a vocabulary which can sometimes be obscure. In brief and easily understandable form, it describes how the Union works and brings together the information which citizens need to find their way through the maze and identify the many issues at stake in overhauling the European institutions.



Marcelino OREJA
Member of the European Commission

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Abstention, constructive (positive abstention)

Constructive abstention refers to the possibility which could be introduced in the common foreign and security policy to allow a Member State to abstain on a vote in Council without blocking a unanimous decision. A Member State abstaining in this way would be exempted from taking part in implementing the joint action concerned, although it might still be required to give it political and financial backing. The Member State concerned could not prevent the joint action or common position from bearing the Union's name and would have to refrain from any statement or action which might adversely affect the joint action or common position.

See:

- ☐ Common foreign and security policy

Acquis communautaire

The *acquis communautaire* or Community patrimony is the body of common rights and obligations which bind all the Member States together within the European Union. It is founded principally on the Treaty of Rome and the instruments that supplement it (the Single European Act, the Treaty on European Union, etc.), plus the wide range of secondary legislation enacted under them. The *acquis communautaire* relates mainly to the single market and the four freedoms inherent in it (freedom of movement for goods, persons, capital and services), the common policies which underpin it (agriculture, trade, competition, transport and others) and measures to support the least-favoured regions and categories of the population.

The Union has committed itself to maintaining the *acquis communautaire* in its entirety and developing it further.

Exemptions and derogations from the legal framework constituted by the *acquis communautaire* are granted only in exceptional circumstances and are limited in scope.

See:

- ☐ Pillars of the European Union
- ☐ Single institutional framework
- ☐ Differentiated integration (flexibility)

Analysis and Planning Unit (Joint Analysis Unit)

The idea of setting up an Analysis and Planning Unit under the common foreign and security policy stems from the belief that if the CFSP is to be effective, it will require earlier and more far-reaching analysis of external developments in the long, medium and short term. The decisions taken under the CFSP would thus be underpinned by more reliable briefings, which would be available to all the Member States of the Union. An Analysis and Planning Unit would fill the current gaps by providing the Presidency and the Commission with useful material for the formulation and coherence of proposals.

The Intergovernmental Conference is discussing the composition and operation of the Unit.

See:

- ☐ Common foreign and security policy

Animal welfare

The question of animal welfare was first addressed in a declaration attached to the EEC Treaty on the occasion of the previous IGC. The institutions have since then been required to take animal welfare into account when drafting and implementing Community legislation in the fields of the common agricultural policy, transport, the internal market and research.

The European Parliament and some of the Member States want the principle of animal welfare written into the Treaty itself so that respect for it becomes mandatory.

Architecture of Europe

This refers to the various organizations, institutions, treaties and traditional relations making up the European area within which members work together on problems of shared interest.

An essential part of this architecture was established by the Treaty on European Union, which formed three pillars: the European Community (first pillar), the common foreign and security policy (second pillar) and cooperation in the fields of justice and home affairs (third pillar). Matters falling within the second and third pillars are handled by the Community institutions (the European Council, the Council, the Commission, the European Parliament, etc.), but intergovernmental procedures apply.

See:

- ☐ Common foreign and security policy
- ☐ Justice and home affairs
- ☐ Pillars of the European Union
- ☐ Single institutional framework

Article 235

Article 235 reflects the realization by those who drafted the Treaty of Rome that the powers specifically allocated to the Community (executive powers) might not be adequate for the purpose of attaining the objectives expressly set by the Treaties themselves (competence *ratione materiae*). This article can be used to bridge that gap, since it lays down that 'If action by the Community should prove necessary to attain ... one of the objectives of the Community and this Treaty has not provided the necessary powers, the Council shall, acting unanimously on a proposal from the Commission and after consulting the European Parliament, take the appropriate measures.'

See:

- ☐ Council of the Union
- ☐ Subsidiarity

Article K.4 Committee (Justice and home affairs)

A Coordinating Committee consisting of senior officials was set up under Article K.4 to do the preparatory work for Council deliberations on justice and home affairs. In practice the committee had already

been in existence since the Rhodes European Council in December 1988. The Treaty on European Union merely institutionalized it.

See:

- ☐ Justice and home affairs

Article N

Article N of the Treaty on European Union is the legal base which enables a conference of representatives of the Member States' governments (an IGC) to be convened for the purpose of amending the Treaties. It stipulates that any Member State, or the Commission, may submit to the Council proposals for such amendments. If the Council, after consulting Parliament and the Commission, delivers an opinion in favour of calling a conference, it is convened by the President of the Council. Any subsequent amendments enter into force after being ratified by all the Member States in accordance with their respective constitutional requirements.

Article N(2) expressly provides for the convening of the 1996 IGC.

See:

- ☐ Intergovernmental Conference (IGC)
- ☐ Intergovernmental Conference: Agenda

Assent procedure

The assent procedure, whereby the Council must obtain Parliament's assent (absolute majority of its members) before certain important decisions can be taken was introduced by the Single European Act. Parliament may accept or reject a proposal but cannot amend it.

The assent procedure mainly concerns the accession of new Member States and certain international agreements. It is also required for citizenship, the specific tasks of the European Central Bank, amendments to the Statute of the ESCB and of the ECB, the Structural and Cohesion Funds and the uniform procedure for elections to the European Parliament.

See:

- ☐ Council of the Union
- ☐ European Parliament
- ☐ Qualified majority
- ☐ Unanimity

B

Budgetization of the EDF (European Development Fund)

The incorporation of the EDF into the Community budget ('budgetization') means making expenditure by the Fund part of the common system. At present EDF expenditure is not Community expenditure but is a matter for the Member States. The Commission is responsible for managing and implementing it.

Citizenship of the Union

Citizenship of the Union is dependent on holding the nationality of one of the Member States. In other words, anyone who is a national of a Member State is considered to be a citizen of the Union. In addition to the rights and duties laid down in the EC Treaty, Union citizenship confers four special rights:

- (i) freedom to move and take up residence anywhere in the Union;
- (ii) the right to vote and stand in local government and European Parliament elections in the country of residence;
- (iii) diplomatic and consular protection from the authorities of any Member State where the country of which a person is a national is not represented in a non-Union country;
- (iv) the right of petition and appeal to the European Ombudsman.

The introduction of the notion of Union citizenship does not, of course, replace national citizenship: it is in addition to it. This gives the ordinary citizen a deeper and more tangible sense of belonging to the Union.

See:

- ☐ Ombudsman
- ☐ Petitions

Civil protection, energy and tourism

Civil protection, energy and tourism are the subject of a Declaration attached to the EC Treaty, which states that these three topics must be discussed at the Intergovernmental Conference, on the basis of a report from the Commission, to examine the possibility of introducing them into the revised Treaty as specific Titles.

In its report the Commission notes that, because of the absence of specific legal bases, the European Union has adopted a number of measures in these three areas on the basis of Article 235. The introduction of appropriate provisions into the Treaty might ensure the continuity and consistency of Community action by improving its clarity. Each of the three sectors has special features, however, which must not be ignored.

- (i) The only area for which the EU already has specific legal instruments, European energy policy, is still scattered throughout the ECSC and Euratom Treaties, on the one hand, and the general provisions of the EC Treaty on the other. A coherent framework for action would therefore be welcome, either by combining the different legal bases within the same chapter, or by including a new chapter which would set out the objectives of energy policy and provide appropriate instruments.
- (ii) Measures on tourism, such as the Philoxenia programme, have hitherto been carried out under the umbrella of other EU policies (environment, free movement of persons, training, etc.).

- (iii) Several resolutions have been adopted in the field of civil protection as a result of co-operation between Member States, despite the lack of an appropriate legal basis.

See:

- ☐ Intergovernmental Conference: Agenda

Clarity of the treaties (simplification of the treaties)

The Intergovernmental Conference (IGC) brings into sharp relief the question of the clarity of the treaties because of the nature of the Community legal structure, which is the result of a succession of amendments to the treaties. The need to simplify the treaty to make it more comprehensible for the ordinary citizen has been discussed.

The Treaty on European Union added a new structure amending and supplementing the existing ones and leaving a question mark hanging over certain provisions of the earlier treaties which it neither took over nor formally repealed.

The Commission does not want the difficulty of reading and understanding the founding texts of the Union to create a gulf between the Union and the public and has accordingly proposed that they be edited and consolidated.

See:

- ☐ Simplification of legislation
- ☐ Transparency

Classification of expenditure

This refers to the distinction made between Union expenditure of which the underlying principle and the amount are legally determined by the treaties, secondary legislation, conventions, international treaties or private contracts ('compulsory' expenditure) and expenditure for which the budgetary authority is free to decide the amount as it sees fit ('non-compulsory' expenditure). The question of whether expenditure is to be considered compulsory or non-compulsory generates friction between the two arms of the budgetary authority — the Council and the European Parliament — as Parliament has the final say in determining the amount of expenditure only where it is non-compulsory. As agricultural expenditure is considered compulsory, the result is that more than 50% of the Community budget is outside Parliament's control.

See:

- ☐ Common agricultural policy (CAP)
- ☐ Consultation procedure
- ☐ Council of the Union
- ☐ European Parliament

Codecision procedure (Article 189b)

The procedure referred to in Article 189b (codecision) was introduced by the Treaty on European Union. It gives Parliament the power to adopt instruments jointly, as a last resort, with the Council. In practice,

it strengthens Parliament's legislative powers by giving it the right to reject proposals in the following fields: the free movement of workers, right of establishment, services, the internal market, education (incentive measures), health (incentive measures), consumer policy, trans-European networks (guidelines), environment (general action programme), culture (incentive measures) and research (framework programme).

In its 1996 report on the scope of the codecision procedure, the Commission proposed that the procedure referred to in Article 189b be extended to all the Community's legislative activity.

See:

- ☐ Conciliation Committee
- ☐ Council of the Union
- ☐ European Parliament
- ☐ Qualified majority

Collective defence

Collective defence is the term used to describe Europe's participation in defence under the Treaties of Brussels (Article V) and Washington (Article 5), which stipulate that the signatory States are required, in the event of aggression, to provide assistance for the restoration of security.

Since 1949 the organization set up by the Washington Treaty (NATO) has been the principal guarantor of security in western Europe, whereas Western European Union (WEU) has simply been ticking over for nearly 30 years. It should be noted, however, that WEU is the only strictly European organization to have established an automatic collective defence obligation. With the development of a European defence identity, WEU today seems destined to play a bigger role.

See:

- ☐ Common defence policy
- ☐ Common foreign and security policy
- ☐ Eurocorps
- ☐ Eurofor/Euromarfor
- ☐ NATO (North Atlantic Treaty Organization)
- ☐ Renovated NATO
- ☐ Western European Union (WEU)

Committee of the Regions

The Committee of the Regions, which was set up by the Maastricht Treaty, consists of 222 representatives of local and regional authorities appointed by the Council, on proposals from the Member States, for four years. It is consulted by the Council or the Commission in areas affecting regional interests such as education, youth, culture, health and social and economic cohesion. It may also issue opinions on its own initiative.

Committee procedure ('comitology')

This concept refers to a system designed to make the decision-making process more effective; the word 'comitology' is occasionally encountered. As the process for adopting measures to implement legislative

acts, it provides that such measures are adopted by the Commission, assisted by a committee of representatives of the Member States, which the Commission chairs. This practice developed when the Council started delegating implementing powers to the Commission. Committees may be of three types:

- (i) regulatory;
- (ii) management;
- (iii) advisory.

See:

- ☐ Council of the Union
- ☐ European Commission

Common agricultural policy (CAP)

The aims of the common agricultural policy, for which the Community is solely responsible, are set out in Article 39 of the EC Treaty and involve in particular the common organization of the agricultural markets. It is one of the most important Union policies (agricultural expenditure accounts for over 50% of the Community budget). Decisions are taken by qualified majority in the Council following consultation of the European Parliament.

With an eye to enlargement discussions have started on the possible reforms of the present CAP. This is not, however, on the agenda of the Intergovernmental Conference.

See:

- ☐ Classification of expenditure
- ☐ Consultation procedure
- ☐ Council of the Union
- ☐ European Parliament
- ☐ Qualified majority

Common commercial policy

The Community has exclusive powers in relation to the common commercial policy (Article 113 of the EC Treaty). The policy has allowed a customs union to be established between the Member States of the Community and is based on uniform principles, particularly in regard to changes in tariff rates, the conclusion of tariff and trade agreements with non-member countries, import and export policy, etc. Decisions are taken by qualified majority in the Council.

The revision of the common commercial policy is a key issue for the Intergovernmental Conference with a view to extending Article 113 to services, intellectual property and direct foreign investment. This would be a response to the widening of the scope of international trade negotiations which came with the creation of the World Trade Organization (WTO).

See:

- ☐ External responsibilities of the European Community
- ☐ Council of the Union
- ☐ Qualified majority

Common defence policy

The European Union's common foreign and security policy includes the eventual framing of a common defence policy which might in time lead to a common defence. On defence matters, the European Union requests Western European Union (WEU) to elaborate and implement decisions and actions which have defence implications (Article J.4 of the Treaty on European Union).

The common defence policy is one element of a security policy in the broadest sense of the term. Its aim is to reduce the risks which threaten the common values and fundamental interests of the Union and its Member States, to help preserve and strengthen peace in accordance with the United Nations Charter, the Helsinki Final Act, the Washington Treaty (NATO) and the amended Brussels Treaty (WEU).

Based on an in-depth analysis of interests, its underlying principle is that of a collective approach which builds on the cooperation established within NATO and WEU. Responding to new situations affecting the security of Europe and the development of the transatlantic partnership, it involves the associate partners of Central and Eastern Europe in its discussions. It is also developing dialogue and exchanges of information with Russia and Ukraine (preliminary conclusions of the WEU Council, Noordwijk, 14 November 1994).

See:

- ☐ Common foreign and security policy
- ☐ NATO (North Atlantic Treaty Organization)
- ☐ Petersberg Declaration of 19 June 1992 (Petersberg tasks)
- ☐ Renovated NATO
- ☐ Western European Union (WEU)
- ☐ WEU associate partners

Common foreign and security policy

The common foreign and security policy was established and is governed by Title V of the Treaty on European Union. It replaced European political cooperation (EPC) and provides for the eventual framing of a common defence policy which might in time lead to a common defence.

The objectives of the second pillar of the Union are set out in Article J.1; specific legal instruments are used (joint action, common position) which have to be adopted unanimously in the Council.

See:

- ☐ Abstention, constructive (positive abstention)
- ☐ Analysis and Planning Unit (Joint Analysis Unit)
- ☐ Common position (Common foreign and security policy)
- ☐ COREU
- ☐ Declaration (Common foreign and security policy)
- ☐ Joint action (Common foreign and security policy)
- ☐ NATO (North Atlantic Treaty Organization)
- ☐ Pillars of the European Union
- ☐ Political Committee
- ☐ Single institutional framework
- ☐ Title V (CFSP)
- ☐ Western European Union (WEU)

Common position (Common foreign and security policy)

The common position in the context of the common foreign and security policy is designed to make cooperation more systematic and improve its coordination. The Member States are required to comply with and uphold such positions which have been adopted unanimously at Council meetings.

See:

- ☐ Common foreign and security policy

Common transport policy

The aim of the common transport policy is to lay down common rules applicable to international transport to or from the territory of a Member State or passing across the territory of one or more Member States. It is also concerned with laying down the conditions under which non-resident carriers may operate transport services within a Member State and, lastly, it includes measures to improve transport safety.

Different decision-making procedures apply depending on the matter in hand. In the case of land transport (rail, road or inland waterway) the Council:

- (i) acts in accordance with the procedure referred to in Article 189c (cooperation procedure) after consulting the Economic and Social Committee;
- (ii) decides by unanimous vote, after consulting the European Parliament (non-binding opinion) and the Economic and Social Committee, where a measure relates to the principles of the regulatory system for transport and would be liable to have a serious effect on the standard of living and employment and on the operation of transport facilities.

Where the measures relate to sea and air transport, the Council:

may decide by a qualified majority whether, to what extent and by what procedure appropriate provisions may be laid down.

See:

- ☐ Consultation procedure
- ☐ Cooperation procedure (Article 189c)
- ☐ Qualified majority
- ☐ Unanimity

Communitization

This is transferring a matter which, in the institutional framework of the Union, is dealt with using the intergovernmental method (second and third pillars) to the Community method (first pillar). The Community method is based on the idea that the general interest of Union citizens is best defended when the Community institutions play their full role in the decision-making process, with due regard for the subsidiarity principle.

The transfer of certain areas of justice and home affairs cooperation (third pillar) is being discussed at the Intergovernmental Conference.

See:

- ☐ Community 'bridge' (Justice and home affairs)
- ☐ Pillars of the European Union

Community and intergovernmental methods

The Community method is the expression used for the institutional operating mode set up in the first pillar of the European Union. It proceeds from an integration logic with due respect for the subsidiarity principle, and has the following salient features:

- (i) Commission monopoly of the right of initiative;
- (ii) widespread use of qualified majority voting in the Council;
- (iii) an active role for the European Parliament;
- (iv) uniform interpretation of Community law by the Court of Justice.

It contrasts with the intergovernmental method of operation used in the second and third pillars, which proceeds from an intergovernmental logic of cooperation and has the following salient features:

- (i) the Commission's right of initiative is shared with the Member States or confined to specific areas of activity;
- (ii) the Council acts unanimously;
- (iii) the European Parliament has a purely consultative role;
- (iv) the Court of Justice plays only a minor role.

See:

- ☐ Court of Justice
- ☐ Community law
- ☐ Monitoring the application of Community law
- ☐ Pillars of the European Union
- ☐ Qualified majority
- ☐ Right of initiative
- ☐ Single institutional framework

Community 'bridge' (Justice and home affairs)

Article K.9 creates the possibility of making the Community provisions (qualified majority provided for in Article 100c) applicable to certain sectors of Title VI. This procedure, known as the 'bridge', requires unanimity in the Council and ratification by each Member State in accordance with its national constitutional requirements.

See:

- ☐ Communitization
- ☐ Justice and home affairs

Community law

Strictly speaking, Community law consists of the founding Treaties (primary source of law) and the provisions of instruments enacted by the Community institutions by virtue of them (secondary legislation).

In a broader sense, Community law encompasses all the rules of the Community legal order, including general principles of law, the case law of the Court of Justice, law flowing from the Community's external relations and supplementary law contained in conventions and similar agreements concluded between the Member States to give effect to Treaty provisions.

See:

- ☐ Monitoring the application of Community law

Community legal instruments

The term Community legal instruments refers to the instruments available to the Community institutions to carry out their tasks under the first pillar of the European Union with due respect for the subsidiarity principle. They are:

- (i) regulations: these are binding in their entirety and directly applicable in all Member States;
- (ii) directives: these bind the Member States as to the results to be achieved; they have to be transposed into the national legal framework and thus leave a margin for manoeuvre as to the form and means of implementation;
- (iii) decisions: these are fully binding on those to whom they are addressed;
- (iv) recommendations and opinions: these are non-binding, declaratory instruments.

See:

- ☐ Hierarchy of Community acts (hierarchy of norms)
- ☐ Pillars of the European Union
- ☐ Single institutional framework

Competitiveness

The European Commission's 1994 White Paper on growth, competitiveness and employment contains guidelines for a policy of global competitiveness. The policy encompasses four objectives which have lost none of their topicality today:

- (i) helping European firms to adapt to the new globalized and interdependent competitive situation;
- (ii) exploiting the competitive advantages associated with the gradual shift to a knowledge-based economy;
- (iii) promoting a sustainable development of industry;
- (iv) reducing the time-lag between the pace of change in supply and the corresponding adjustments in demand.

At the IGC the policy on employment will be reviewed in the light of these guidelines and those mapped out by the Essen European Council.

Some Member States would also like to see competitiveness written into Article B of the Treaty.

See:

- ☐ Globalization of the economy
- ☐ Sustainable development

Composition of the Commission

The question of the composition of the Commission is high on the agenda of the Intergovernmental Conference. The object is to determine the optimum number of Commissioners in order to guarantee the legitimacy, collective responsibility and efficiency of an institution whose purpose is to represent the general interest and whose Members are completely independent.

The discussion about the composition of the Commission is closely linked to the question of collective responsibility, a term used to describe a particular feature of the Commission structure whereby positions adopted by the Commission reflect the views of the Commission as a whole, not those of individual members. With the prospect of future enlargements, there are fears that a large increase in the number of Commissioners will lead to nationalization of the office at the expense of collective responsibility. Conversely, should the number be limited, the fear is that some nationalities will not be represented among the Commissioners.

See:

- ☐ European Commission
- ☐ Enlargement

Concentric circles

This concept involves a Europe structured out of subsets of States which have achieved different levels of integration. It is not confined just to the integration structure of the European Union, and the idea has been expanded upon by a number of prominent figures. Some of them talk of 'the circle of shared law' (the Union's Member States), the 'adjacent circle' (the countries outside the Union waiting to join it) and 'more select circles' for the purpose of greater cooperation (the currency circle, the defence circle and so on).

See:

- ☐ Differentiated integration (flexibility)

Conciliation Committee

Under the codecision procedure between Council and Parliament, a Conciliation Committee may be set up as provided in Article 189b(4) of the EC Treaty. The Committee consists of the members of the Council or their representatives and an equal number of representatives of Parliament, and is referred to in the event of any disagreement between the two institutions on the outcome of a codecision procedure, for the purpose of reaching agreement on a text acceptable to both sides.

The draft of such a text must then be ratified within six weeks by qualified majority in the Council and by an absolute majority of the members of Parliament. Should one of the two institutions not approve the proposal, it is not adopted.

See:

- ☐ Codecision procedure (Article 189b)

Confirmation of the Commission

The Treaty on European Union has completely overhauled the procedure for appointing the Commission, introducing confirmation of the appointments. There are now two separate procedures, the first concerning the President and the second the entire Commission.

To begin with, the governments of the Member States nominate by Common accord, after consulting the European Parliament, the person they intend to appoint as President of the Commission. Then, in consultation with the nominee for President, the Member States nominate the other persons they intend to appoint as Members. The whole body is then subject to a vote of approval by the European Parliament and finally appointed by the governments of the Member States. This procedure was applied for the first time at the beginning of the present term of office. It has the twofold advantage of enhancing the Commission's legitimacy and the dialogue between the two institutions.

The powers of the Commission President have been discussed at the Intergovernmental Conference, with particular reference to the choice of the other Commissioners and the assignment of portfolios.

See:

- ☐ European Commission
- ☐ European Parliament

Consolidation of legislation — formal/official

Formal or official consolidation of legislation involves adopting a new legal instrument, published in the Official Journal (L series), which incorporates and repeals the instruments being consolidated (basic instrument plus amending instrument(s)) without altering their substance. It can be:

- vertical: the new instrument incorporates the basic instrument and instruments amending it into a single instrument;
- horizontal: the new instrument incorporates several parallel basic instruments — and amendments thereto — relating to the same matter into a single instrument.

See:

- ☐ Simplification of legislation

Consolidation of legislation — informal/declaratory

There is a special procedure for unofficial, purely declaratory consolidation of legislation and simplification of legal instruments. The incorporation of subsequent amendments into the body of a basic act

does not entail the adoption of a new instrument. It is simply a clarification exercise conducted by the Commission. The resulting text, which has no formal legal effect, can, where appropriate, be published in the Official Journal (C Series) without citations or recitals.

See:

- ☐ Simplification of legislation

Consultation procedure

Under this procedure the Council must consult the European Parliament and take its views into account. However, it is not bound by Parliament's position but only by the obligation to consult it. The procedure applies in particular to the common agricultural policy.

See:

- ☐ Council of the Union
- ☐ Common agricultural policy (CAP)
- ☐ European Parliament
- ☐ Qualified majority
- ☐ Unanimity

Convention (Justice and home affairs)

The Council may draw up conventions and recommend them to the Member States for adoption. Conventions based on Article K.3 differ from those based on Article 220 of the EC Treaty mainly in that they are concluded by the Council and may cover a wider range of matters (all those referred to in Article K.1). They may stipulate that the Court of Justice has jurisdiction to interpret their provisions and to rule on any disputes regarding their application. The jurisdiction of the Court is therefore subject to the prior agreement of the signatory States.

See:

- ☐ Court of Justice
- ☐ Justice and home affairs

Convergence criteria

To ensure that the sustainable convergence required for the achievement of economic and monetary union (EMU) comes about, the Treaty sets five convergence criteria which must be met by each Member State before it can take part in the third stage of EMU. Checks on whether the criteria are being met are carried out on the basis of reports by the Commission and the European Monetary Institute (EMI). The criteria are as follows.

- (i) The ratio of government deficit to gross domestic product must not exceed 3%.
- (ii) The ratio of government debt to gross domestic product must not exceed 60%.
- (iii) There must be a sustainable degree of price stability and an average inflation rate, observed over a period of one year before the examination, which does not exceed by

more than one and a half percentage points that of the three best performing Member States in terms of price stability.

- (iv) There must be a long-term nominal interest rate which does not exceed by more than two percentage points that of the three best performing Member States in terms of price stability.
- (v) The normal fluctuation margins provided for by the exchange-rate mechanism on the European Monetary System must have been respected without severe tensions for at least the last two years before the examination.

The object of the convergence criteria is to ensure that economic development within EMU is balanced and does not give rise to any tensions between the Member States. Note in this connection that the criteria relating to government deficit and government debt must continue to be met after the third stage of EMU has entered into force.

See:

- ☐ Economic and monetary union

Cooperation procedure (Article 189c)

The procedure referred to in Article 189c (cooperation) was introduced by the Single European Act. It gave Parliament greater influence over the legislative process by means of a 'double reading' of Commission proposals. Since the entry into force of the Treaty on European Union it has applied in particular to the following areas: transport, non-discrimination, implementation of Article 104 (funds of the European Central Bank or the central banks of the Member States), the Social Fund, vocational training, trans-European networks, economic and social cohesion, research, environment, development cooperation, health and safety of workers (Article 118a), the Social Policy Agreement (between 14 Member States), etc.

The discussions at the Intergovernmental Conference on the simplification of decision-making are considering the deletion of Article 189c or at least a reduction in its scope.

See:

- ☐ Council of the Union
- ☐ European Parliament
- ☐ Qualified majority

Coreper

Coreper, the French acronym by which the Permanent Representatives Committee is known, consists of the Member States' Permanent Representatives (Ambassadors) and is responsible, at a stage involving preliminary negotiations, for assisting the Council of the European Union in dealing with the items on its agenda (proposals and drafts of instruments put forward by the Commission). It occupies a pivotal position in the Community decision-making system, in which it is at one and the same time a forum for dialogue (among the Permanent Representatives and between them and their respective national capitals) and a body which exercises political control (by laying down guidelines for, and supervising, the work of the expert groups). It is in fact divided in two to enable it to deal with all the tasks it has to carry out:

Coreper I, consisting of the Deputy Permanent Representatives; and

Coreper II, consisting of the Permanent Representatives themselves.

The smooth running of the Council is dependent on the standard of the work done in Coreper.

See:

- ☐ Council of the Union
- ☐ European Commission

COREU (Common foreign and security policy)

COREU is an EU network for communication between the Member States with a view to cooperation in the fields of foreign policy.

See:

- ☐ Common foreign and security policy

COSAC

The Conference of European Community Affairs Committees (COSAC) has met every six months since 1988. It consists of representatives of the relevant committees in the national parliaments and of members of the European Parliament.

With the adoption of the Maastricht Treaty, the European Union acquired competence in areas which had traditionally been a national preserve, such as justice and home affairs. For this reason, the importance of exchanges between national parliaments and the European Parliament was underlined in a declaration on the role of national parliaments in the European Union. The national governments were also asked to ensure that their parliaments received Commission proposals in good time for possible examination. Providing national parliaments with more information would enable them to be more closely involved in the Community process and to exercise closer democratic control over it.

See:

- ☐ European Parliament

Council of the Union

The Council of the Union (Council, sometimes referred to as the Council of Ministers) is the European Union's main decision-making institution. It consists of the ministers of the 15 Member States responsible for the matters on the agenda: foreign affairs, farming, industry, transport or whatever. Despite the existence of these different ministerial compositions depending on the matter in hand, the Council is nonetheless a single institution.

Each country in the Union in turn holds the chair for six months. Decisions are prepared by the Committee of Permanent Representatives of the Member States (Coreper), assisted by working parties of national government officials. The Council is assisted by its General Secretariat.

See:

- ☐ Coreper
- ☐ Ioannina compromise
- ☐ Presidency of the Union (rotation of the Presidency)
- ☐ Qualified majority
- ☐ Right of initiative
- ☐ Troika
- ☐ Unanimity

Court of Auditors

The Court of Auditors is composed of 15 members appointed for six years by unanimous decision of the Council of the European Union after consulting the European Parliament. It audits Union revenue and expenditure to make sure it is lawful and proper and ensures that financial management is sound. The Treaty on European Union raised it to full institution status.

Court of Justice

The Court of Justice is made up of 15 judges assisted by nine advocates-general appointed for six years by agreement among the Member States. It has two principal functions: to check whether instruments of the European institutions and of governments are compatible with the Treaties, and, at the request of a national court, to pronounce on the interpretation or the validity of provisions contained in Community law.

The Court is assisted by a Court of First Instance, which has special responsibility for dealing with administrative disputes in the European institutions and disputes arising from the competition rules.

The Intergovernmental Conference is discussing the structure and operation of the Court.

D

Declaration (Common foreign and security policy)

The Declaration is an instrument for which there is no provision in Title V of the Treaty on European Union but which was a feature of European political cooperation (EPC). It is not a mandatory instrument and is still frequently used under the CFSP.

See:

- ☐ Common foreign and security policy
- ☐ European political cooperation (EPC)

Deepening

Deepening is the term used to describe the strengthening of certain policies which may sometimes be coupled with institutional reforms designed to develop European integration. It has often been viewed as a necessary step prior to enlargement.

See:

- ☐ Enlargement

Democratic deficit

The democratic deficit is a concept invoked principally in the argument that the European Union suffers from a lack of democracy and is becoming remote from the ordinary citizen because its method of operating is so complex. The view is that the Community institutional set-up is dominated by an institution combining legislative and government powers (the Council) and an institution that lacks democratic legitimacy (the Commission — even though its Members are appointed by the Member States and are collectively accountable to Parliament). The concept is most commonly used by those who call for the European Parliament and the national parliaments to be given a greater part to play in the decision-making process.

See:

- ☐ European Parliament
- ☐ Transparency

Differentiated integration (flexibility)

Differentiated integration means a process of integration in which the Member States opt to move forward at different speeds and/or towards different objectives, in contrast to the notion of a monolithic bloc of States pursuing identical objectives at a single speed.

See:

- ☐ Concentric circles
- ☐ Enhanced cooperation
- ☐ Europe à la carte
- ☐ 'Multi-speed' Europe
- ☐ Single institutional framework
- ☐ Social Policy Protocol
- ☐ Union withdrawal clause
- ☐ 'Variable-geometry' Europe

Double majority

Given the prospect of an enlarged European Union, proposals have been put together for maintaining the current balance between 'large' countries and 'small' countries in Council decision-making. Requiring a majority both of the Member States and of the population of the Union to be in favour before any decision can be taken in the Council would be a way of avoiding what some see as the over-representation of the smaller countries. For instance, the qualified-majority threshold (currently about 70%) could be maintained, but Member States voting in favour would have to represent three fifths of the total population.

The thresholds for this double majority could vary depending on the subject.

See:

- ☐ Enlargement
- ☐ Qualified majority
- ☐ Weighting of votes in the Council

E

Economic and monetary union

Economic and monetary union (EMU) is the process whereby the economic and monetary policies of the Member States of the Union are being harmonized with a view to the introduction of a single currency. It was the subject of one of the two Intergovernmental Conferences held in December 1990. The Treaty provides that EMU is to be achieved in three stages:

- (i) first stage (ended in December 1993): free movement of capital between Member States, closer coordination of economic policies and closer cooperation between central banks;
- (ii) second stage (in progress since January 1994): convergence of the economic and monetary policies of the Member States (to ensure stability of prices and sound public finances);
- (iii) third stage (scheduled for 1 January 1999 at the latest): establishment of a European Central Bank, fixing of exchange rates and introduction of a single currency.

See:

- ☐ Convergence criteria
- ☐ European Central Bank (ECB)
- ☐ Intergovernmental Conference (IGC)

Economic and social cohesion

Economic and social cohesion is an expression of solidarity between the Member States and regions of the European Union. This means balanced, sustainable development, the narrowing of structural disparities between regions and countries and the promotion of equal opportunities for all individuals. In practical terms it is achieved by means of a variety of financing operations, particularly through the Structural Funds.

Economic and Social Committee

The Economic and Social Committee consists of 222 members divided into three groups: employers, workers and representatives of particular categories of activity (farmers, craftsmen, the professions, representatives of consumers, the scientific and teaching community, cooperatives, families, environmental movements, etc.). It is consulted before a great many acts are adopted, and it may also issue opinions on its own initiative.

See:

- ☐ Social dialogue
- ☐ Social partners

Economic policy

National economic policies are identified in the Treaty as a matter of common concern requiring a degree of coordination within the Council to help attain the Community's objectives.

In practical terms, the Council, acting by a qualified majority on a recommendation from the Commission, formulates draft guidelines which are sent to the European Council. In the light of that body's conclusions, the Council, again by qualified majority, adopts a recommendation setting out the broad guidelines of the economic policies of the Member States and the Community and informs the European Parliament (Article 103(2)).

It should be noted that the provisions on economic policy included in Articles 102a to 104c provide for several other procedures depending on the matter in hand:

- (i) the procedure referred to in Article 189c for questions relating to multilateral surveillance (Art. 103(5)), the application of the prohibition of privileged access (Art. 104a(2)), the application of the prohibition of the assumption of commitments and the granting of overdraft facilities (Art. 104b(2));
- (ii) simple consultation with a qualified majority in the Council in the case of provisions on the application of the protocol on the excessive deficit procedure (Art. 104c(14), third subparagraph);
- (iii) unanimity in the Council without consultation, for measures appropriate to the economic situation (Art. 103a(1));
- (iv) qualified majority in the Council, Commission report, opinion of the Monetary Committee, Commission opinion and recommendation (taking into account the observations of the Member State concerned), to decide whether an excessive deficit exists (Art. 104c(6));
- (v) two thirds of the votes in the Council (excluding those of the Member State concerned) on a recommendation from the Commission for the excessive deficit procedure (Art. 104c(13));
- (vi) unanimity in the Council (except in the case of natural disasters) on a proposal from the Commission in the case of Community financial assistance to a Member State in severe economic difficulties (Art. 103a(2)); Parliament must be informed.

The institutional provisions (Arts 109a-109d) and transitional provisions (Arts 109e-109m) concerning Title VI of the EC Treaty (economic and monetary policy) have their own special decision-making procedures which are separate from those identified here.

See:

- ☐ Consultation procedure
- ☐ Convergence criteria
- ☐ Cooperation procedure (Article 189c)
- ☐ Council of the Union
- ☐ Economic and monetary union
- ☐ European Central Bank (ECB)
- ☐ European Commission
- ☐ European Council
- ☐ European Parliament
- ☐ Monetary policy
- ☐ Qualified majority
- ☐ Unanimity

Employment

Employment is one of the key concerns of the Member States, for unemployment is running at a high level (currently around 10% in the Union). Following on from the Commission's 1993 White Paper on growth, competitiveness and employment, the Essen European Council (9 and 10 December 1994) identified five priority areas for action to promote employment:

- (i) improving employment opportunities by promoting investment in vocational training;
- (ii) increasing the employment-intensiveness of growth;
- (iii) reducing non-wage labour costs;
- (iv) increasing the effectiveness of labour-market policies;
- (v) improving help for groups which are particularly hard hit by unemployment.

The Council and the Commission presented a joint report on the action taken on these five priorities at the Dublin European Council (13 and 14 December 1996).

Similarly the Confidence Pact for Employment presented by the Commission President in June 1996 seeks to mobilize all the actors concerned in a genuine strategy for employment, to make employment a matter of common interest at European level and incorporate the fight against unemployment in a medium- and long-term vision of society.

In the run-up to the Intergovernmental Conference, the Commission proposed that a chapter devoted to employment be inserted in the Treaty, containing provisions derived from the *acquis communautaire* and aiming to:

- (i) create the conditions for a common strategy for employment;
- (ii) stimulate cooperation between all those concerned;
- (iii) consolidate the arrangements for multilateral surveillance of the Member States' multi-annual programmes;
- (iv) reflect employment concerns in all Community policies.

See:

- ☐ Employment and Labour Market Committee
- ☐ Intergovernmental Conference (IGC)

Employment and Labour Market Committee

The Employment and Labour Market Committee was set up by a Council Decision of 20 December 1996. It is made up of two representatives of each Member State and two representatives of the Commission and has the task of assisting the Council in carrying out its responsibilities in these fields. In particular it keeps track of employment trends in the Community and monitors Member States' employment and labour market policies; it also facilitates exchanges of information and experience between Member States and with the Commission in these fields and produces reports and recommendations on these questions.

Enhanced cooperation

Enhanced cooperation is a key concept in the wider discussion on differentiated integration. The aim of such a form of cooperation is to enable a limited number of Member States which are willing and able to advance further, to deepen European integration within the single institutional framework of the Union. It is worth noting that economic and monetary union is often cited as a form of closer cooperation which already exists.

The question as to whether a general clause on enhanced cooperation should be written into the Treaty and if so, how, is a central item on the agenda of the Intergovernmental Conference. Discussions relate mainly to the scope of such a clause and whether non-participating Member States should retain the right of veto. At the same time, several other questions also require answers, in particular, the laying down of a minimum threshold of Member States, the granting of a right of initiative to the Commission, financing, the role of the Court of Justice, etc.

See:

- ☐ Differentiated integration (flexibility)
- ☐ Economic and monetary union
- ☐ Single institutional framework

Enlargement

Enlargement or widening is the term used to refer to the four successive waves of new members joining the Community. Nine countries have so far joined the six founder members — Belgium, France, Germany, Italy, Luxembourg and the Netherlands — at the following times:

- 1973: Denmark, Ireland and the United Kingdom;
- 1981: Greece;
- 1986: Portugal and Spain;
- 1995: Austria, Finland and Sweden.

With the growing number of applicants for membership, the concept of enlargement has taken on a very special sense which derives from the belief that the system established by the Treaty of Rome cannot function effectively in a 25- to 30-member Union without a reform of the institutions and certain Union policies. The debate has as a result polarized around the terms ‘enlargement’ and ‘deepening’. Some believe that there can be no question of increasing the number of members without a complete overhaul of the institutions and of the way the European Union operates. Others maintain that enlargement is the priority (the thought in the back of their minds often being that it will water down the Union’s political aspirations). From the institutional angle, the enlargement question is one of the main challenges facing the Intergovernmental Conference.

See:

- ☐ Deepening
- ☐ Intergovernmental Conference (IGC)
- ☐ Intergovernmental Conference: Agenda

Environment

The aim of the Community policy on environment is to preserve, protect and improve the quality of the environment and to protect people’s health. It also attaches importance to the prudent and rational use of

natural resources. Lastly, it helps to promote measures at international level to deal with regional or worldwide environmental problems (Article 130r).

Policy preparation is subject to different decision-making procedures depending on the areas affected by the provisions to be adapted. Thus, with a view to attaining the objectives listed in Article 130r, the Council:

- (i) acts in accordance with the procedure referred to in Article 189c (cooperation) and after consulting the Economic and Social Committee in order to take decisions on the provisions relating to the measures to be taken and the implementation of programmes;
- (ii) acts unanimously and after consulting the European Parliament and the Economic and Social Committee where the matter involves fiscal provisions, provisions relating to town and country planning, land use (with the exception of waste management and general measures) or where a Member State's choice in the matter of energy is significantly affected (Article 130s(2)) (under this procedure the Council may also define matters referred to in Article 130s(2) on which decisions are taken by a qualified majority);
- (iii) acts in accordance with the procedures referred to in Article 189b (codecision) and after consulting the Economic and Social Committee for the adoption of general action programmes setting out the priority objectives to be attained.

See:

- ☐ Codecision procedure (Article 189b)
- ☐ Consultation procedure
- ☐ Cooperation procedure (Article 189c)
- ☐ Economic and Social Committee
- ☐ Qualified majority
- ☐ Sustainable development
- ☐ Unanimity

Equal opportunities

Equal opportunities is a general principle, an essential aspect of which is written into Article 119 of the EC Treaty (equal pay for men and women). It is intended to apply to all fields, particularly economic, social, cultural and family life. Positive discrimination measures might be required to give practical effect to the principle of equality.

See:

- ☐ Equal treatment for men and women

Equal treatment for men and women

As early as 1957 the Treaty of Rome laid down the principle that men and women should receive equal pay for equal work. Since 1975 there has been a series of directives which have broadened the principle to cover access to employment, training and career progression and working conditions, in order to eliminate all forms of discrimination at work. Equal treatment was later extended to social security, statutory schemes and occupational schemes.

In the 1980s recognition of this principle led to the promotion of equal opportunities via multiannual programmes. The European Parliament wants the rules laid down since 1957 and the establishment of the programmes to be taken into account when the Treaty is reviewed, by having the concept of equal opportunities written into Article 119 along with a reference to the possibility of positive discrimination measures.

See:

- ☐ Equal opportunities

Eurocorps

Eurocorps was set up at the 59th Franco-German summit, which took place in La Rochelle on 21 and 22 May 1992. Three other countries have since joined it: Belgium on 25 June 1993, Spain on 10 December 1993 and Luxembourg on 7 May 1996. It comprises 50 000 men and has been operational since 30 November 1995, following the Pegasus-95 exercise.

Eurocorps has to be seen in the light of the shaping of a European defence identity. It can operate as such within WEU (Article V) or NATO (Article 5) and can be mobilized for humanitarian missions, missions to evacuate Member State nationals and peace-restoring or peace-keeping operations, under the aegis of the United Nations or the OSCE. The commitment of Eurocorps under the political control of WEU was the subject of an agreement signed on 24 September 1993 and commitment under NATO authority was codified by the agreement of 21 January 1993.

See:

- ☐ Collective defence
- ☐ Common defence policy
- ☐ Common foreign and security policy
- ☐ Eurofor/Euromarfor
- ☐ NATO (North Atlantic Treaty Organization)
- ☐ Petersberg Declaration of 19 June 1992 (Petersberg tasks)
- ☐ Renovated NATO
- ☐ Western European Union (WEU)

Eurofor/Euromarfor

The Lisbon Declaration of 15 May 1995 ratified the decision by France, Italy and Spain to set up land and sea forces (Eurofor and Euromarfor). These are moves towards the defining of a common European defence and security identity and should strengthen Europe's own capacity for operations under the Petersberg Declaration. Portugal has agreed to participate in the two forces when they are being used within the WEU context, without prejudice to the Member States' common defence position (Article V, WEU, and Article 5, NATO).

See:

- ☐ Collective defence
- ☐ Common defence policy
- ☐ Common foreign and security policy
- ☐ NATO (North Atlantic Treaty Organization)
- ☐ Petersberg Declaration of 19 June 1992 (Petersberg tasks)
- ☐ Renovated NATO
- ☐ Western European Union (WEU)

Europe à la carte

This refers to a non-uniform method of integration which allows Member States to select policies as if from a menu and involve themselves fully in those policies; there would still be a minimum number of common objectives.

See:

- ☐ Differentiated integration (flexibility)
- ☐ Single institutional framework

European Central Bank (ECB)

The European Central Bank is an institution to be set up on transition to the third stage of economic and monetary union (the single currency) and will be responsible for carrying out the Community's monetary policy. As to the practicalities, the ECB's decision-making bodies (the Governing Council and the Executive Board) will run a European System of Central Banks (ESCB) whose tasks will be to manage the money in circulation, conduct foreign-exchange operations, hold and manage the Member States' official foreign reserves and promote the smooth operation of payment systems. The ECB will take over from the existing European Monetary Institute (EMI), which is a precursor to it.

See:

- ☐ Convergence criteria
- ☐ Economic and monetary union

European Charter

This is the idea of a text setting out, in precise, concise and accessible form, the basic principles underlying the European political system. Such a charter would contain the major principles of institutional organization at the Union level and those governing relations between the institutions and the Union's citizens. Alongside this a separate text would incorporate and arrange in order the existing treaties, i.e. the texts relating to the Union's powers and how they are exercised.

European Commission

The European Commission is a body with powers of initiative, implementation, management and control. It is the guardian of the Treaties and the embodiment of the interests of the Community. It is composed of 20 independent members (two each from France, Germany, Italy, Spain and the United Kingdom and one each from all the other countries). It is appointed for a five-year term, by agreement among the Member States, and is subject to a vote of appointment by the European Parliament, to which it is answerable, before it can be sworn in. The Commissioners are assisted by an administration made up of directorates-general and specialized departments whose staff are divided mainly between Brussels and Luxembourg.

The President of the Commission takes part in European Councils as a full member. During the Intergovernmental Conference the Commissioner with responsibility for institutional matters is a member of the group, consisting also of representatives of the foreign ministries, which prepares the ground for ministerial-level meetings.

See:

- ☐ Composition of the Commission
- ☐ Confirmation of the Commission
- ☐ European Council
- ☐ European Parliament
- ☐ Intergovernmental Conference (IGC)
- ☐ Monitoring the application of Community law

European Convention on Human Rights (ECHR)

The European Convention on Human Rights signed in Rome on 4 November 1950 established, for the first time, a system of international protection for human rights by entitling individuals to apply to the courts for the enforcement of their rights. The Convention established a number of supervisory bodies based in Strasbourg. These are:

- (i) a Commission responsible for examining applications from individuals or Member States;
- (ii) a European Court of Human Rights, to which cases are referred by the Commission or by a Member State following a report by the Commission (in the case of a judicial settlement);
- (iii) a Committee of Ministers of the Council of Europe which acts as the guardian of the ECHR and to which reference is made in the event of a dispute being settled by political means.

The idea of the European Union acceding to the ECHR has been raised in the discussions leading up to the Intergovernmental Conference. In a recent opinion, the European Court of Justice (ECJ) came out against such a possibility in view of the potential conflicts over jurisdiction between the ECJ and the European Court of Human Rights.

See:

- ☐ Human rights

European Council

The European Council is the term used to describe the regular meetings of the Heads of State or Government of the European Union Member States. It was set up by the communiqué issued at the close of the December 1974 Paris Summit and first met in 1975 (in Dublin, on 10 and 11 March). Before that time, from 1961 to 1974, the practice had been to hold European summit conferences. Its existence was given legal recognition by the Single European Act, while official status was conferred on it by the Treaty on European Union. It meets at least twice a year and the President of the European Commission attends as a full member. Its objectives are to give the European Union the impetus it needs in order to develop further and to define general policy guidelines.

See:

- ☐ Intergovernmental Conference (IGC)
- ☐ Intergovernmental Conference: Agenda
- ☐ Political agenda of the European Union

European Parliament

The European Parliament is the assembly of the representatives of the 370 million Union citizens. Since 1979 they have been elected by direct universal suffrage and today total 626 distributed between Member States by reference to their population. Parliament's main functions are as follows:

- (i) it considers the Commission's proposals and is associated with the Council in the legislative process by means of various procedures (codecision, cooperation, etc.);
- (ii) it has the power of control over the Union's activities through its confirmation of the appointment of the Commission (and the right to remove it from office) and through the written and oral questions it can put to the Commission and the Council;
- (iii) it shares budgetary powers with the Council in voting on the annual budget and overseeing its implementation.

It has appointed an ombudsman empowered to receive complaints from Union citizens concerning maladministration in the activities of the Community institutions or bodies. Finally, it can appoint temporary committees of inquiry whose powers are not confined to examining the actions of the Community institutions but may also relate to actions by Member States in implementing Community policies.

See:

- ☐ Assent procedure
- ☐ Codecision procedure (Article 189b)
- ☐ Confirmation of the Commission
- ☐ Consultation procedure
- ☐ Cooperation procedure (Article 189c)
- ☐ COSAC
- ☐ Democratic deficit
- ☐ Ombudsman

European Police Office (Europol)

The idea of a European Police Office was first raised at the Luxembourg European Council on 28 and 29 June 1991. The plan then was to set up a new body which would provide a structure for developing police cooperation between Member States in preventing and combating serious forms of international organized crime, including terrorism and drug trafficking. However, the convention establishing Europol was not signed until July 1995 and has still not entered into force. In order to lose no time in giving practical shape to the police cooperation defined in Title VI of the Treaty on European Union, a Europol Drugs Unit was established in January 1994.

The prime objective of this Unit was to combat drug trafficking and associated money laundering. Its terms of reference were subsequently extended to cover measures to combat trafficking in radioactive and nuclear substances, clandestine immigration networks, vehicle trafficking and money laundering associated with these criminal activities; the fight against trade in human beings was also added later.

See:

- ☐ Convention (Justice and home affairs)
- ☐ Justice and home affairs

European political cooperation (EPC)

European political cooperation (EPC) was introduced informally in 1970 (in response to the Davignon report) and formalized by the Single European Act with effect from 1987. The object is consultations between the Member States in foreign policy matters. The Member States have regard for the views of the European Parliament and wherever possible take common positions in international organizations. EPC was superseded by the common foreign and security policy.

See:

- ☐ Common foreign and security policy

European security and defence identity

The idea of developing a European defence identity has been prompted by two considerations.

- (i) For some years now Europe has had to face an environment in which several hotbeds of instability have sprung up in the eastern half of the continent, Chechnya and Bosnia-Herzegovina being prime examples.
- (iii) The relative decline in the United States' defence commitment has left a void which Europe has not succeeded in filling. The last few years have consequently served to emphasize the limitations of an alliance, NATO, which defines itself primarily in relation to an external threat, while at the same time there is a growing realization of the need for a political entity motivated by an awareness of shared interests to face up to the new security challenges in Europe.

Against this background, the NATO Council held in Brussels in January 1994 recognized the importance of defining a specifically European identity in relation to security and defence. The first steps towards this were taken at the NATO Council held in Berlin on 3 June 1996 with the development of the concept of Combined Joint Task Forces (CJTF), to which the Ministers of the Alliance subscribed at the January 1994 summit as a means of using NATO's military capacity in operations led by the WEU under its political control and strategic management. Europe will also have elements within NATO's military structure carrying out command functions and wearing two hats: NATO's and Europe's. European command dispositions of this kind should be identifiable and sufficiently well structured to ensure that a militarily coherent and effective operational force can be put together at speed.

See:

- ☐ NATO (North Atlantic Treaty Organization)
- ☐ Renovated NATO
- ☐ Western European Union (WEU)

External responsibilities of the European Community

The European Community's external responsibilities are defined in accordance with whether they are conferred on the Community or on the Member States. They are described as 'exclusive' where they are exercised entirely by the Community (e.g. the common agricultural policy) and 'mixed' where they are shared with the Member States (e.g. the transport policy). The distinction has been defined in Court of Justice case law and is based on the principle of implicit responsibility, whereby external responsibility derives from the existence of internal responsibility. The Treaty confers explicit responsibility in only two cases (commercial policy in Article 113 and the association agreements in Article 238).

It should be pointed out that the common foreign and security policy comes under the European Union's external relations, which are governed by intergovernmental procedures (second pillar), and not the external responsibilities of the European Community.

The growth in the Community's activities (e.g. the completion of the single market), developments in world trade and the less clear-cut case law have made the exercise of external powers more problematic, while at the same time entailing a far-reaching duty to cooperate and coordinate in the name of a united front in international representation. The Intergovernmental Conference is giving consideration to the possibility of extending the scope of Article 113 to trade in services, questions of intellectual property and direct foreign investment in order to reflect the extensive responsibilities given to the World Trade Organization and enable the Community to adapt to the radical changes in the structures of the world economy.

See:

- ☐ Common commercial policy
- ☐ Common foreign and security policy
- ☐ Pillars of the European Union

F

Fight against drugs

The fight against drugs involves a wide range of activities, chief among them the fight against addiction and against illicit trafficking.

Preventing drug addiction is treated as a matter of common interest by Article K.1(4) of the TEU, 'in so far as this is not covered by (7) to (9)' (judicial cooperation in criminal matters, customs cooperation and police cooperation), and also provided for by Article 129 of the EC Treaty (public health).

The Europol Drugs Unit has been made responsible for combating illicit drug trafficking; it has set up an intelligence unit to improve police and customs cooperation between the Member States. This police cooperation is also in the list of matters of common interest in Article K.1(9).

The Commission took Article K.1 as the legal basis for its plan of action to combat drugs (1995-99), which deals with a multitude of questions (preventing drug addiction, curbing drug trafficking and international action), but had to be content with the more modest Article 129 as the basis for its future action programme to prevent drug addiction, which lowers its impact.

In its February 1996 Opinion on the Intergovernmental Conference, the Commission stresses the importance of bringing the fight against illicit drug trafficking into the Community framework as it is related to the free movement of persons. The Reflection Group's report also mentioned the possibility of closer cooperation between the European Union and the Council of Europe in combating drugs.

See:

- ☐ European Police Office (Europol)
- ☐ Justice and home affairs

Fight against fraud

The fight against fraud proceeds on two distinct legal bases: Article K.1(5), which provides for 'combating fraud on an international scale in so far as this is not covered by (7) to (9)' (judicial cooperation in criminal matters, customs cooperation and police cooperation), and Article 209a of the EC Treaty (fraud affecting the Community's financial interests).

A Convention on the protection of the Community's financial interests was signed on 26 July 1995 as a third-pillar instrument. Its principal aim is that there should be provision in the criminal law of all Member States for an offence of fraud against the Community's financial interests.

But this dual legal basis, combining first- and third-pillar elements, is not conducive to effective policy action. The Intergovernmental Conference may accordingly establish a single first-pillar legal basis, as recommended in the Commission's February 1996 Opinion.

See:

- ☐ Justice and home affairs
- ☐ Pillars of the European Union

Fight against international organized crime and money laundering

The Europol Drugs Unit has been made responsible for fighting these two scourges; it exchanges information between Member States to improve police and judicial cooperation.

After the Intergovernmental Conference, the fight against international crime may well be added to the list of matters of common interest in Article K.1 (for the moment, it is merely mentioned as a subset of police cooperation in Article K.1(9)). Explicit provision for it would enable the Member States to go beyond exchanging information, as they would have a clear legal basis for using the instruments provided for by Article K.3 (joint positions, joint actions, conventions) and for embarking on a genuine policy for combating international crime.

See:

- ☐ European Police Office (Europol)
- ☐ Justice and home affairs

Fight against racism and xenophobia

There is no explicit legal basis for combating racism and xenophobia, though the Community institutions have established a number of measures integrated into the social policy conducted by the European Union. Hence the designation of 1997 as the European Year against Racism proceeds from a Council Resolution and Decision only, leaving action to the Member States.

The Intergovernmental Conference could consolidate the legal basis by adding racism and xenophobia to the list of matters of common interest in Article K.1 (Title VI) of the Treaty on European Union so as to permit a genuine Community policy to be established.

See:

- ☐ Human rights
- ☐ Justice and home affairs
- ☐ Non-discrimination principle

Fight against terrorism

Article K.1 provides for the fight against terrorism to be coordinated by Europol. The Europol Convention is not yet in force, and police cooperation in terrorism matters is still covered by a Council working party.

In future, a more specific item dealing with police cooperation to prevent and combat terrorism may be added to the list of matters of common interest in Article K.1.

See:

- ☐ European Police Office (Europol)
- ☐ Justice and home affairs

G

General-interest services

'General-interest services' are services considered to be in the general interest by the public authorities and accordingly subjected to specific public-service obligations. They include non-market services (e.g. compulsory education, social protection), obligations of the State (e.g. security and justice) and services of general economic interest (energy, communications). Article 90 of the EC Treaty does not apply to the first two categories (non-market services and State obligations).

See:

- ☐ Public service
- ☐ Public service charter
- ☐ Services of general economic interest
- ☐ Universal service

Globalization of the economy

The phenomenon of economic globalization was identified by the Turin European Council as one of the major challenges facing the European Union at the end of the 20th century. The term refers to a process of growing economic integration worldwide, and the main driving forces behind it are:

- (i) the liberalization of international trade and capital movements;
- (ii) accelerating technological progress and the advent of the information society;
- (iii) deregulation (exemplified by the withdrawal of the State from many areas of economic activity).

These three factors accentuate each other: technological progress stimulates international trade and worldwide patterns of trade allow for more effective dissemination of technological progress. At the same time, deregulation stimulates the development of new forms of technology and contributes to removing barriers to trade. Lastly, technological progress has the effect of enabling businesses and individuals to find a way round national regulations more easily.

See:

- ☐ Intergovernmental Conference: Agenda

Green Paper

Commission Green Papers are documents intended to stimulate debate and launch a process of consultation at European level on a particular topic (such as social policy, the single currency, telecommunications). These consultations may then lead to the publication of a White Paper, translating the conclusions of the debate into practical proposals for Community action.

See:

- ☐ European Commission
- ☐ White Paper

H

Hard core

This refers to a small group of countries able and willing to enter into closer cooperation with one another. This concept has to be seen in the wider context of flexibility, which should see differentiated integration enshrined in the institutional framework of the Union to prevent hard cores from forming outside this framework (e.g. Schengen system).

See:

- ☐ Differentiated integration (flexibility)
- ☐ Schengen (Agreement and Convention)

Hierarchy of Community acts (hierarchy of norms)

The hierarchy of Community acts is the subject of a declaration annexed to the Treaty on European Union which lays down that the Intergovernmental Conference will examine ‘to what extent it might be possible to review the classification of Community acts with a view to establishing an appropriate hierarchy between the different categories of act’.

The main purpose of such a hierarchy would be to enable the lawmaking authority to concentrate on political aspects of particular issues rather than on questions of detail. It would dictate the shape of the Community decision-making process by ensuring that instruments of constitutional status were subject to tougher procedures (such as adoption by unanimous vote or by augmented qualified majority, and assent) than legislative instruments, which are themselves subject to tougher procedures (for example, the codecision procedure) than implementing instruments (for instance, the institutionalized delegation of powers to the Commission).

The subject was addressed in 1990 in the early discussions on the possibility of inserting the codecision procedure into the Treaty. The underlying idea was to avoid an over-rigorous procedure being applied to certain acts of secondary importance and thereby prevent the legislative machinery becoming congest-

ed. In 1991, during the negotiations on the Treaty of Maastricht, the Commission proposed introducing a hierarchy of acts and a new system for classifying Communities instruments (treaties, laws, secondary or implementing acts), but failed to overcome the different national legal traditions.

See:

- ☐ Assent procedure
- ☐ Codecision procedure (Article 189b)
- ☐ Community legal instruments
- ☐ Consultation procedure
- ☐ Cooperation procedure (Article 189c)
- ☐ Qualified majority
- ☐ Reinforced qualified majority
- ☐ Unanimity

Human rights

The case law of the Court of Justice of the European Communities recognizes the principles laid down in the Council of Europe's Convention on Human Rights. This respect for human rights was confirmed by the Member States in the preamble to the 1986 Single Act and later incorporated into Article F of the Treaty on European Union, which is based on the above Convention and the shared constitutional traditions of the Member States. In the discussions about incorporating new provisions into the Treaty a number of measures have been envisaged, such as accession by the European Union to the European Convention on Human Rights (which would mean the Union being given legal personality) or the possibility of sanctions against a Member State failing to respect these rights.

See:

- ☐ European Convention on Human Rights (ECHR)
- ☐ Suspension clause

Incorporation of the Social Policy Agreement (abolition of the Social Policy Protocol)

Incorporation of the Social Policy Agreement is the term used to refer to the process at the end of which the British opt-out from social policy would cease. In practical terms, this would entail doing away with the Social Policy Protocol and incorporating the Social Policy Agreement into the ordinary body of law in the Treaty.

See:

- ☐ Opting out
- ☐ Social policy
- ☐ Social Policy Agreement
- ☐ Social Policy Protocol

Institutional balance and democratic legitimacy

The Community's institutional balance has for a long time been State-based, with the Member States acting as virtually the sole driving force behind European integration. As this process of construction has developed, the question of legitimacy has become more and more acute. Thus the Treaty of Maastricht sparked off the incorporation of the principle of democratic legitimacy into the heart of the institutional system by giving the European Parliament greater powers over the appointment and supervision of the Commission.

Despite the steps forward taken by the Treaty on European Union, there is still an imbalance between the Council's legislative powers and those of Parliament. The process of ratifying the Treaty in the Member States highlighted the imbalance between the existing State-based legitimacy and the democratic legitimacy which the public expects.

As part of the reform of the institutions, ways are being sought of striking a balance between the institutions which enjoy these two forms of legitimacy, so as to bring about a more democratic distribution of powers and involve Europe's citizens and national parliaments more closely in the decision-making process, one way being by the provision of more information.

A number of proposals for achieving this have been made, including:

- (i) the establishment of a bicameral legislature with one chamber made up of representatives of the Member States and the other consisting of representatives of Europe's citizens;
- (ii) establishing the codecision procedure as general practice, while extending the European Parliament's powers in relation to lawmaking;
- (iii) enhancing the legitimacy of the Commission *vis-a-vis* the European Parliament and the Member States by overhauling the system for the appointment and supervision of the Commission by Parliament and making it subject to political control by the Council.

See:

- ☐ Codecision procedure (Article 189b)
- ☐ Confirmation of the Commission
- ☐ COSAC
- ☐ Council of the Union
- ☐ Double majority
- ☐ European Commission
- ☐ European Council
- ☐ European Parliament

Intergovernmental Conference (IGC)

This is the term used to describe negotiations between the Member States' governments with a view to amending the Treaties. An IGC is of major importance as regards European integration, where changes in the institutional and legal structure — or simply in the content of the Treaties — have always been the outcome of intergovernmental conferences (e.g. Single European Act and Treaty on European Union).

There have been five intergovernmental conferences in the history of the European Community, three of them since 1985. The sixth IGC, in 1996, holds regular meetings, in principle once a month, at foreign

minister level. The preparatory work is done by a group consisting of a representative of the Foreign Minister of each Member State and the Member of the Commission with responsibility for institutional matters, with the Council's General Secretariat handling the practical arrangements. The European Parliament is kept up to date on the state of progress in the discussions and can put forward its views on all matters discussed whenever it sees fit.

See:

- ☐ Article N
- ☐ Council of the Union
- ☐ European Commission
- ☐ European Parliament
- ☐ Intergovernmental Conference: Agenda

Intergovernmental Conference: Agenda

The Turin European Council (29 March 1996) identified a number of internal and external challenges which the Intergovernmental Conference will have to deal with, in particular competitiveness and job creation, terrorism, drug trafficking and international crime, migratory pressure, ecological imbalances, etc.

The European Council also made a point of stressing the challenge of enlargement for the Union from all its institutional and procedural points of view, including its efficiency of operation. In this respect, the Union's ability to take action must be preserved, while maintaining and developing the *acquis communautaire* and respecting the balance between the institutions.

The European Council expressed these challenges in terms of three major priorities:

- (i) the creation of a Union closer to its citizens;
- (ii) improving the institutions to make them more democratic and efficient;
- (iii) strengthening the Union's capacity for external action.

The mandate of the Intergovernmental Conference (IGC), whose legal basis is to be found in Article N, was to some extent determined by the Treaty itself and certain declarations annexed to it. For instance:

- (i) the fifth paragraph of Article B states that, in order to maintain and build on the *acquis communautaire*, the IGC should examine 'to what extent the policies and forms of co-operation introduced by this Treaty may need to be revised with the aim of ensuring the effectiveness of the mechanisms and the institutions of the Community';
- (ii) Article 189b(8) provides for the possibility of the scope of the procedure referred to in that article (codecision) to be extended to other areas;
- (iii) Articles J.4(6) and J.10 provide for the revision of the common foreign and security policy 'with a view to furthering the objectives of this Treaty, and having in view the date of 1998 in the context of Article XII of the Brussels Treaty';
- (iv) Declaration No 1 provides for the possibility of introducing into the Treaty establishing the European Community titles relating to the spheres of civil protection, energy and tourism;

- (v) Declaration No 16 calls for the IGC to examine the question of establishing a hierarchy of Community acts.

Several European Councils agreed to add other subjects to the agenda of the IGC:

- (i) the number of members of the Commission, the weighting of votes within the Council and the measures thought necessary to simplify the work of the institutions and make it more effective;
- (ii) the institutional conditions aimed at ensuring the effective operation of the institutions looking ahead to enlargement to include the countries of Central and Eastern Europe, Malta and Cyprus.

As a result of interinstitutional agreements, the following questions will also be dealt with:

- (i) budget procedures and matters relating to the classification of expenditure;
- (ii) committee arrangements for legislation adopted under the codecision procedure.

The Community institutions or the Member States could add further items to this agenda under the provisions of Article N.

See:

- ☐ Article N
- ☐ Civil protection, energy and tourism
- ☐ Classification of expenditure
- ☐ Codecision procedure (Article 189b)
- ☐ Committee procedure ('comitology')
- ☐ Common foreign and security policy
- ☐ European Commission
- ☐ European Council
- ☐ Ioannina compromise
- ☐ Intergovernmental Conference (IGC)
- ☐ Political agenda of the European Union
- ☐ Qualified majority

Ioannina compromise

The Ioannina compromise takes its name from an informal meeting of foreign ministers in the Greek city of Ioannina on 27 March 1994. Among the decisions taken at the meeting was a Council decision concerning the specific question of qualified majority voting in an enlarged 16-member Community. The decision was later adjusted in the light of Norway's decision not to join. The resulting compromise lays down that if members of the Council representing between 23 votes (the old blocking minority threshold) and 26 votes (the new threshold) express their intention of opposing the taking of a decision by the Council by qualified majority, the Council will do all within its power, within a reasonable space of time, to reach a satisfactory solution that can be adopted by at least 65 votes out of 87.

See:

- ☐ Council of the Union
- ☐ Qualified majority

J

Joint action (Common foreign and security policy)

This means coordinated action by the Member States whereby resources of all kinds (human resources, know-how, financing, equipment and so on) are mobilized to attain specific objectives fixed by the Council on the basis of general guidelines from the European Council.

See:

- ☐ Common foreign and security policy

Joint action (Justice and home affairs)

This means coordinated action by the Member States on behalf of or in the framework of the Union, where the objectives of the Union can be better attained by joint action than by the Member States acting individually, owing to the scale or the effects of the envisaged action.

See:

- ☐ Justice and home affairs

Joint position (Justice and home affairs)

The joint position in the context of justice and home affairs is a legal instrument enabling the Council to promote any cooperation contributing to the pursuit of the objectives of the Union. Member States are required to give full effect, both domestically and in foreign policy, to decisions adopted unanimously in meetings of the Council.

See:

- ☐ Justice and home affairs

Justice and home affairs

Justice and home affairs is a new area in which closer cooperation was introduced by the Treaty on European Union. The aim of this cooperation is to strengthen the Union and create an area of security and liberty in which the free movement of persons is guaranteed. It is concerned with the following matters:

- (i) asylum policy;
- (ii) rules governing the crossing of the external borders of the Member States;
- (iii) immigration policy;
- (iv) combating drugs;
- (v) combating international fraud;
- (vi) judicial cooperation in civil and criminal matters;
- (vii) customs cooperation;
- (viii) police cooperation.

Improving the operation of this third pillar of the European Union is one of the major challenges facing the Intergovernmental Conference. Consensus has been reached on the need to introduce more effective

provisions in order to strengthen the cooperation structures and in particular to incorporate into the Community framework the areas mentioned above which are linked to controls on persons (asylum, immigration and crossing of external borders).

It should be stressed that the Schengen area was formed outside the legal framework of the European Union on the initiative of certain Member States wishing to progress further in the free movement of persons.

See:

- ☐ Article K.4 Committee (Justice and home affairs)
- ☐ Communitization
- ☐ Community 'bridge' (Justice and home affairs)
- ☐ Convention (Justice and home affairs)
- ☐ European Police Office (Europol)
- ☐ Joint action (Justice and home affairs)
- ☐ Joint position (Justice and home affairs)
- ☐ Pillars of the European Union
- ☐ Schengen (Agreement and Convention)
- ☐ Single institutional framework
- ☐ Title VI (Justice and home affairs)

L

Legal personality of the Union

The question of the Union's legal status arises primarily in connection with its capacity to conclude treaties or accede to agreements or conventions, since the Union, which comprises three separate Communities, each with legal personality (European Community, ECSC and Euratom) and two areas of intergovernmental cooperation, does not have what is known in international law as 'treaty-making powers', that is, the international right to conclude agreements with third countries.

The discussions on legal status are therefore part of the debate on whether or not the EU should be given the tools to take more effective and coherent action in external affairs.

See:

- ☐ European Convention on Human Rights (ECHR)
- ☐ Pillars of the European Union
- ☐ Single institutional framework

Luxembourg compromise

The Luxembourg compromise, reached in January 1966, brought to an end the so-called 'empty chair' crisis, France having refused to take its seat in the Council since July 1965. The compromise was an acknowledgement of the disagreement existing between those who, when a major national interest was at stake, wanted the members of the Council to do their best within a reasonable space of time to find solutions which all sides could adopt without encroaching on their mutual interests, and France, which was in favour of keeping discussions going until unanimous agreement was reached. Subsequently other Member States were to side with the French point of view.

The compromise has not prevented the Council from taking decisions in accordance with the EC Treaty, which provides in many cases for voting by qualified majority. Nor has it hindered the members of the Council from making further efforts to bring points of view closer together before the Council takes a decision.

See:

- ☐ Council of the Union
- ☐ Qualified majority
- ☐ Unanimity

M

Monetary policy

Monetary policy is covered in Articles 105 to 109. It is fundamental to economic and monetary union (EMU). Decision-making procedures vary according to the topics in hand:

- (i) the procedure referred to in Article 189c after consultation of the ECB for the issue of coins by the Member States (Art. 105a(2));
- (ii) qualified majority in the Council on a recommendation from the European Central Bank or from the Commission after consulting the ECB for the formulation of exchange-rate policy guidelines (Art. 109(2));
- (iii) qualified majority in the Council on a recommendation from the ECB and after consulting the European Parliament and the Commission in the case of the implementing measures referred to in the Statute of the European System of Central Banks (ESCB) (Art. 106(6)) and the limits and conditions under which the ECB is entitled to impose fines (Art. 108a(3));
- (iv) qualified majority in the Council on a recommendation from the ECB and after consulting the Commission and obtaining the assent of the European Parliament for technical adjustments to the Statute of the ESCB (Art. 106(5));
- (v) unanimity in the Council on a recommendation from the ECB or the Commission, and after consulting the European Parliament, for exchange rates for the ecu in relation to non-Community currencies (Art. 109(1)).

The institutional provisions (Arts 109a-109d) and transitional provisions (Arts 109e-109m) concerning Title VI of the EC Treaty (economic and monetary policy), have their own special decision-making procedures which are separate from those identified here.

See:

- ☐ Consultation procedure
- ☐ Convergence criteria
- ☐ Cooperation procedure (Article 189c)
- ☐ Council of the Union
- ☐ Economic and monetary union

- ☐ European Central Bank (ECB)
- ☐ European Commission
- ☐ European Parliament
- ☐ Qualified majority
- ☐ Unanimity

Monitoring the application of Community law

The task of monitoring the application of Community law falls to the European Commission as the guardian of the Treaties. It is an expression of the fact that the European Union is based on the rule of law and its purpose is to make sure that the law is observed and actually applied in and by the Member States. In exercising its monitoring function the Commission takes care to safeguard the role which is also assigned to national authorities, particularly the courts, in this area.

Monitoring the application of the law may take the following forms:

- (i) instituting infringement proceedings following complaints or where cases are discovered in the ordinary course of events;
- (ii) court action against the other institutions;
- (iii) checking whether aid given by the Member States is lawful;
- (iv) checking that the principles prohibiting certain types of agreements, decisions and concerted practices and the abuse of a dominant position are observed.

The Commission's annual reports on the application of Community law are an expression of the desire for transparency in dealings not only with complainants but also with citizens and members of parliament.

See:

- ☐ Citizenship of the Union
- ☐ Court of Justice
- ☐ European Commission
- ☐ Transparency

Mr/Ms CFSP

'Mr/Ms CFSP' is Community jargon referring to the question of whether a specific new position should be created in the area of common foreign and security policy, and if so what form this should take. The idea is that by giving the Union a single, recognizable face and voice it will be able to present itself more visibly and consistently on the international stage.

See:

- ☐ Common foreign and security policy

‘Multi-speed’ Europe

‘Multi-speed’ Europe is the term used to describe a method of differentiated integration whereby common objectives are pursued by a group of Member States both able and willing to advance, it being implied that the others will follow later.

See:

- ☐ Differentiated integration (flexibility)
- ☐ Single institutional framework

N

NATO (North Atlantic Treaty Organization)

The North Atlantic Treaty Organization (NATO, or the Atlantic Alliance) was founded in 1949 and has its headquarters in Brussels. It has 16 members: the EU Member States (with the exception of Austria, Finland, Ireland and Sweden), Canada, Iceland, Norway, Turkey and the United States of America.

The policy of the Union respects the obligations on certain Member States arising out of NATO membership and is compatible with the common security and defence policy agreed in NATO. Declaration No 30 annexed to the Treaty on European Union clarifies future relations between NATO and the WEU, which is the defence arm of the Union and the means of strengthening the European pillar of the Atlantic Alliance.

See:

- ☐ Collective defence
- ☐ Common defence policy
- ☐ Common foreign and security policy
- ☐ Renovated NATO
- ☐ Western European Union (WEU)

Non-discrimination principle

The aim of this principle is to ensure equality of treatment for individuals irrespective of nationality, race, religion, age, sexual orientation, political views, physical handicap, etc.

Article 6 of the Treaty establishing the European Community outlaws any discrimination on grounds of nationality. The possibility of extending this non-discrimination principle and formally incorporating it in the Treaty has been mooted. There are two options: the accession of the European Union to the European Convention on Human Rights or the addition of a list of fundamental rights of European citizens.

See:

- ☐ Equal opportunities
- ☐ Equal treatment for men and women
- ☐ European Convention on Human Rights (ECHR)

Ombudsman

The European Ombudsman is appointed by the European Parliament after each election for the duration of Parliament's term of office. He is empowered to receive complaints from any citizen of the Union or any natural or legal person residing in a Member State concerning instances of maladministration in the activities of the Community institutions or bodies (with the exception of the Court of Justice and the Court of First Instance).

Where the Ombudsman establishes an instance of maladministration he refers the matter to the institution concerned, conducts an investigation, seeks a solution to redress the problem and, if necessary, submits draft recommendations to which the institution is required to reply in the form of a detailed report.

He submits a report to the European Parliament at the end of each annual session.

See:

- ☐ Citizenship of the Union
- ☐ Court of Justice
- ☐ European Parliament

Opting out

Opting out is an exemption granted to a country that does not wish to join the other Member States in a particular area of Community cooperation as a way of avoiding a general stalemate. The United Kingdom, for instance, asked to be allowed not to take part in the third stage of economic and monetary union (EMU) and similar clauses were agreed with Denmark as regards EMU, defence and European citizenship. These opt-outs set important precedents in the current debate on flexibility, a key element in the Intergovernmental Conference.

See:

- ☐ European Council
- ☐ Differentiated integration (flexibility)
- ☐ Intergovernmental Conference (IGC)
- ☐ Social Policy Protocol

Outermost regions

The 'outermost regions' are seven in number: Guadeloupe, French Guiana, Martinique, Réunion (the four French overseas departments referred to in Article 227(2) of the Treaty), the Azores, the Canaries and Madeira. They are the subject of Declaration No 26 annexed to the Treaty on European Union.

This Declaration acknowledges that such regions suffer from major structural backwardness and states that, while the provisions of the EC Treaty and secondary legislation automatically apply, it is nonetheless possible to adopt specific measures to assist these regions as long as there is an objective need to take such measures with a view to their economic and social development.

On 10 December 1996 France, Portugal and Spain presented a joint proposal with a view to a revision of the Treaty. The proposal provides for:

- (i) the insertion of a new article concerning the outermost regions;
- (ii) a protocol annexed to the Treaty.

See:

- ☐ Economic and social cohesion

P

Petersberg Declaration of 19 June 1992 (Petersberg tasks)

The Petersberg Declaration is a pivotal element in the determination to develop the Western European Union (WEU) as the EU's defence component and as a means of strengthening the European pillar of the Atlantic Alliance (NATO). The three parts of the declaration define the guidelines for the future development of the WEU.

WEU Member States declare their readiness to make available military units from the whole spectrum of their conventional armed forces for military tasks conducted under the authority of WEU. The different types of military tasks which WEU might undertake were defined: apart from contributing to the common defence in accordance with Article 5 of the Washington Treaty and Article V of the modified Brussels Treaty, military units of WEU Member States could be employed for:

- (i) humanitarian and rescue tasks;
- (ii) peacekeeping tasks;
- (iii) tasks of combat forces in crisis management, including peacemaking.

The Petersberg Declaration also states that WEU is prepared to support, on a case-by-case basis and in accordance with its own procedures, the effective implementation of conflict-prevention and crisis-management measures, including peacekeeping activities of the CSCE (now OSCE) or the United Nations Security Council.

At the same time, the Declaration supports a solid transatlantic partnership and stresses the importance of implementing the Declaration on WEU (No 30) annexed to the Maastricht Treaty.

The third part of the Declaration relates to the enlargement of the WEU: in it the Member States define the rights and obligations of other European States belonging to the European Union and the Atlantic Alliance as future members, observers or associate members.

See:

- ☐ Common defence policy
- ☐ NATO (North Atlantic Treaty Organization)
- ☐ Renovated NATO
- ☐ Western European Union (WEU)
- ☐ WEU associate members
- ☐ WEU associate partners
- ☐ WEU observer status

Petitions

The right of petition is the right which every citizen of the European Union enjoys, individually or in association with other citizens, to submit a request to or table a grievance before the European Parliament on any subject which falls within the spheres of activity of the Community and concerns him or her directly (Article 138d of the EC Treaty).

Parliament's Committee on Petitions considers whether such requests are admissible. Where it sees fit, it may put a question to the Ombudsman. When drawing up an opinion on a petition deemed to be admissible, it may ask the European Commission to provide it with documents or information.

See:

- ☐ Citizenship of the Union
- ☐ Ombudsman

Pillars of the European Union

Community jargon refers to the three pillars of the Treaty on European Union, which are:

- (i) the Community dimension corresponding to the provisions set out in the Treaty establishing the European Community: Union citizenship, Community policies, economic and monetary union, etc. (first pillar);
- (ii) common foreign and security policy, which is covered by Title V of the Treaty on European Union (second pillar);
- (iii) cooperation in the fields of justice and home affairs, which is covered by Title VI of the Treaty on European Union (third pillar).

See:

- ☐ Single institutional framework

Political agenda of the European Union

The Madrid European Council (15-16 December 1995) described the European Union's agenda for the end of the century as laying the foundations for the Europe of the future, a large community enjoying the benefits of freedom, prosperity and stability. In practical terms this meant:

- (i) adjusting the Treaty on European Union;
- (ii) making the transition to a single currency in line with the agreed timetable and conditions;
- (iii) preparing for and carrying out the enlargement negotiations;
- (iv) adopting the financial perspective for the period beyond 31 December 1999;
- (v) contributing to establishing the new European security architecture;

- (vi) actively continuing the policy of dialogue, cooperation and association already under way with the Union's neighbouring countries, and in particular with Russia, Ukraine, Turkey and the Mediterranean countries.

See:

- ☐ Common foreign and security policy
- ☐ Economic and monetary union
- ☐ Enlargement
- ☐ European Council
- ☐ Intergovernmental Conference: Agenda

Political Committee

The Political Committee consists of political directors from the Member States' foreign ministries. It monitors the international situation in fields covered by the common foreign and security policy and helps determine policy by issuing opinions for the Council. It also supervises the implementation of agreed policies, without prejudice to the powers of the presidency and the Commission.

See:

- ☐ Common foreign and security policy

Presidency of the Union (rotation of the Presidency)

The Presidency of the Union is held in turn on a six-monthly basis by each Member State. A stint in the Presidency is a duty and a contribution that each Member State makes to the proper functioning of the Community institutions.

At present, a Member State holds the Presidency every seven and a half years. If the present formula is kept, future enlargements will mean that the gap between each Member State's tenure of the Presidency will get longer and longer (in a 28-member Union it will be once every 14 years).

This prospect raises fears that an institution to which the Member States must be able to relate may lose its representative nature.

See:

- ☐ Intergovernmental Conference (IGC)

Public service

The concept of public service is a twofold one: it embraces both bodies providing services and the general-interest services they provide. Public-service obligations may be imposed by the public authorities on the body providing a service (airlines, road or rail carriers, energy producers and so on), either nationally or regionally. Incidentally, the concept of the public service and the concept of the public sector (including the civil service) are often, wrongly, confused; they differ in terms of function, status, ownership and 'clientele'.

See:

- ☐ General-interest services
- ☐ Public service charter
- ☐ Services of general economic interest
- ☐ Subsidiarity
- ☐ Universal service

Public service charter

The idea behind a public service charter is that there should be an instrument setting out the basic rights and principles governing the provision of services to the public. Such principles would include:

- (i) continuity of service;
- (ii) quality;
- (iii) security of supply;
- (iv) equal access;
- (v) affordable prices;
- (vi) social, cultural and environmental acceptability.

See:

- ☐ Public service
- ☐ Universal service

Q

Qualified majority

The qualified majority is the number of votes required in the Council for a decision to be adopted when issues are being debated on the basis of Article 148(2). The threshold for the qualified majority is set at 62 votes out of 87 (71%). The votes are weighted as follows: France, Germany, Italy and the United Kingdom 10 votes each; Spain 8 votes; Belgium, Greece, the Netherlands and Portugal 5 votes each; Austria and Sweden 4 votes each; Denmark, Ireland and Finland 3 votes each; Luxembourg 2 votes.

See:

- ☐ Council of the Union
- ☐ Ioannina compromise

R

Recasting of legislation

The recasting of legislation means the adoption, when an amendment is made to a basic instrument, of a new legal instrument which incorporates the said amendment into the basic instrument, but repeals and replaces the latter. Unlike formal consolidation, it involves changes of substance. It also gives a comprehensive overview of an area of legislation. The new legal instrument is published in the *Official Journal of the European Communities* (L series).

See:

- ☐ Consolidation of legislation — formal/official
- ☐ Simplification of legislation

Reflection Group

The task of the Reflection Group, which was set up by the European Council held in Corfu on 24 and 25 June 1994, was to prepare the ground for the 1996 Intergovernmental Conference (IGC) by proposing possible ways of responding to the internal and external challenges facing the Union.

It comprised representatives of the Member States' Foreign Ministers, of the European Parliament (Elmar Brok, a German member of the EPP, and Elisabeth Guigou, a French member of the PES) and of the Member of the Commission with responsibility for institutional matters, Marcelino Oreja. It was chaired by Carlos Westendorp, who was appointed by the Spanish Government.

The Group met for discussion from June to December 1995, and each institution contributed to its work by drawing up a preliminary report on the functioning of the Treaty on European Union. The conclusions reached by the Group were passed on to the Madrid European Council (15 and 16 December 1995) and form a working basis for the conference which is now under way.

See:

- ☐ Intergovernmental Conference (IGC)
- ☐ Intergovernmental Conference: Agenda

Reinforced qualified majority

The idea of a reinforced qualified majority stems from the conviction shared by several Member States and the European Commission that if the unanimity requirement is maintained in an enlarged Union it will all too often result in stalemate. Unanimity might therefore be replaced in certain cases by a reinforced qualified majority, larger than the 71% of the votes generally required for majority voting. Several proposals have been put forward as to the areas where such a majority would apply and the exact level of the threshold.

See:

- ☐ Enlargement
- ☐ Hierarchy of Community acts (hierarchy of norms)
- ☐ Qualified majority
- ☐ Unanimity

Renovated NATO

The 'new-look' NATO refers to the process of redefining the organization's role and operation. The features of this process are an awareness of a European defence identity, the strengthening of the European component in the transatlantic security system, the new role for the WEU and the prospects of NATO one day admitting the countries of Central and Eastern Europe.

It should be accompanied by a deepening of NATO's relations with third countries through partnerships for peace. A major challenge in this connection will be that of establishing a sound, stable and sustainable partnership with Russia.

See:

- ☐ Collective defence
- ☐ Common defence policy
- ☐ Common foreign and security policy
- ☐ NATO (North Atlantic Treaty Organization)
- ☐ Western European Union (WEU)

Right of initiative

So that it can play its role as guardian of the Treaties and defender of the general interest the Commission has been given a right of initiative which empowers and requires it to make proposals on the matters contained in the Treaty, either because the Treaty expressly so provides or because the Commission considers it necessary.

- (i) This power of initiative is exclusive in respect of Community matters, the principle being that the Council takes decisions only 'on a proposal from the Commission', so that there is a coherent framework for all initiatives.
- (ii) Under the common foreign and security policy the Commission may make proposals, as may the Member States. On the other hand it has no such right in certain matters relating to justice and home affairs.

The Council and the European Parliament may also ask the Commission to put forward a proposal if they consider it necessary.

The right of initiative is regarded as a basic element in the institutional balance of the Community.

See:

- ☐ Common foreign and security policy
- ☐ European Commission
- ☐ Justice and home affairs
- ☐ Pillars of the European Union
- ☐ Single institutional framework

Rural development

Rural development is linked to the common agricultural policy and measures to support employment. It has four basic objectives:

- (i) to modernize farms and provide young farmers with financial support;
- (ii) to promote infrastructures for tourism and encourage local enterprise;
- (iii) to give local people better access to services (such as communications networks and water and energy supplies);
- (iv) to halt the drift away from rural areas by helping to train craftsmen and people working for small firms.

In the same context, the idea that the Intergovernmental Conference should result in enhanced cooperation between Member States on tourism has been put forward.

See:

- ☐ Civil protection, energy and tourism
- ☐ Common agricultural policy (CAP)

S

Schengen (Agreement and Convention)

By the Agreement signed at Schengen on 14 June 1995, Belgium, France, Germany, Luxembourg and the Netherlands agreed that they would gradually remove their common frontier controls and introduce freedom of movement for all individuals who were nationals of the signatory Member States, other Member States or third countries.

The Schengen Convention was signed by the same five States on 19 June 1990. It lays down the arrangements and guarantees for implementing freedom of movement. It amends the relevant national laws and is subject to parliamentary ratification. Italy (1990), Spain and Portugal (1991) and then Greece (1992) have since signed the Convention, too. Austria has had observer status since June 1994.

The Schengen Agreement and Convention are not part of the Treaty.

See:

- ☐ Convention (Justice and home affairs)
- ☐ Differentiated integration (flexibility)
- ☐ Hard core
- ☐ Justice and home affairs

Services of general economic interest

Services of general economic interest are commercial services with a general economic utility and are accordingly subjected by the public authorities to specific public-service obligations (Article 90 of the EC Treaty). Transport, energy and communications services are prime examples.

See:

- ☐ General-interest services
- ☐ Public service

- ☐ Public service charter
- ☐ Universal service

Simplification of legislation

The simplification of legislation means the weeding out of superfluous legislation by rigorous application of the principles of necessity and proportionality. It mainly involves the recasting and formal or informal consolidation of legislation.

This concept has grown in importance since the White Paper on the completion of the single market and was explicitly put forward by the Edinburgh European Council. Over the past decade a concentrated effort has been made to establish a market guaranteeing the four freedoms, but this has meant a wealth of European legislation. Simplification of this legislation has now become a priority in order to ensure the necessary transparency and effectiveness of Community action. A pilot programme (simpler legislation for the internal market — SLIM) covering four specific areas was introduced in May 1996 and could be extended to other areas.

See:

- ☐ Clarity of the treaties (simplification of the treaties)
- ☐ Consolidation of legislation — formal/official
- ☐ Consolidation of legislation — informal/declaratory
- ☐ Recasting of legislation
- ☐ Subsidiarity
- ☐ Transparency

Single institutional framework

The single institutional framework is the practical expression of the principle that there is only one set of institutions. It presupposes that those Member States wishing to integrate and cooperate still further will agree to act through shared institutions. It also requires the other, non-participating Member States to accept that shared institutions can be used for operations to knit the Union closer together without a particular Member State or States being involved. The Social Policy Protocol and Agreement are an example of this.

See:

- ☐ Differentiated integration
- ☐ Pillars of the European Union
- ☐ Social Policy Agreement
- ☐ Social Policy Protocol

Social Charter

The Social Charter was adopted in 1989 in the form of a declaration by all the Member States except the United Kingdom. It is seen as a political instrument containing 'moral obligations' whose object is to guarantee that certain social rights are respected in the countries concerned. These primarily relate to the labour market, vocational training, equal opportunities and the working environment. It also contains an explicit request to the Commission to put forward proposals for translating the content of the Social Charter into legislative acts. The Social Charter has been followed up by social action programmes.

See:

- ☐ Social dialogue
- ☐ Social policy
- ☐ Social Policy Agreement
- ☐ Social Policy Protocol

Social dialogue

Social dialogue is the term used to describe a joint consultation procedure involving the social partners at European level (the Union of Industries of the European Community (UNICE), the European Centre for Public Enterprise (CEEP), the European Trade Union Confederation). It involves discussion, joint action and sometimes negotiations between the European social partners, and discussions between the social partners and the Union institutions.

The dialogue was started by the European Commission in 1985, and Article 118b of the Treaty (as amended by the Single European Act) formally requires the Commission to develop it. So far the outcome has been 15 joint opinions on economic growth, the introduction of new technology, education, vocational training and other subjects. Under the Social Policy Agreement to which 14 of the Member States are parties, social dialogue may also lead to contractual forms of relations, including agreements, the implementation of which is subject to a decision by the Council on a proposal from the Commission. The only agreement of this type between employers and labour to date is an agreement on parental leave.

See:

- ☐ Differentiated integration (flexibility)
- ☐ Economic and Social Committee
- ☐ Single institutional framework
- ☐ Social Charter
- ☐ Social partners
- ☐ Social policy
- ☐ Social Policy Agreement
- ☐ Social Policy Protocol

Social partners

The Commission is required to consult various social partners when it wants to submit proposals in this field. This social dialogue occurs via the three main organizations representing the social partners at European level:

- (i) the European Trade Union Confederation;
- (ii) the Union of Industries of the European Community;
- (iii) the European Centre for Public Enterprise.

The Commission's job is therefore to take all necessary steps to encourage and facilitate consultation with the social partners on the future development of Community action and on the content of any proposals on the European Union's social policy, which is essentially concerned with the labour market.

A consultative assembly of economic and social partners in Europe was created as early as 1957 with the Treaty of Rome. Its role was to involve these various interest groups in building the common market. Its members are drawn from representatives of three categories: employers, workers and independent occu-

pations. The Single European Act and the Treaty on European Union increased the number of areas in which this assembly, the Economic and Social Committee, must be consulted by the other institutions when they wish to introduce legislation in the social sphere.

See:

- ☐ Economic and Social Committee
- ☐ Social dialogue

Social policy

Social policy is an area in which powers are shared between the Community and the Member States; it is concerned with improving living and working conditions for the labour force 'so as to make possible their harmonization while the improvement is being maintained' (Treaty establishing the European Community). The 14-Member State Social Policy Agreement (the UK having opted out) adds to these objectives the promotion of employment, proper social protection, dialogue between management and labour, the development of human resources and the combating of exclusion. The existence of these two texts (Treaty plus Agreement) means that social policy rests on two distinct legal bases laying down different decision-making procedures:

- (i) the Treaty establishing the European Community, whose provisions apply to all Member States (Title VIII). Measures are adopted under this heading by the procedure referred to in Article 189c (cooperation) and after consulting the Economic and Social Committee (with the exception of measures on social security, which require unanimity: Article 121);
- (ii) the Social Policy Agreement annexed to the Social Policy Protocol, whose provisions apply to 14 Member States (the UK having opted out). Measures are adopted under this agreement by the procedure referred to in Article 189c (cooperation) and after consulting the Economic and Social Committee in the case of measures covered by Article 2(2). Unanimity in the Council and consultation of the European Parliament and the Economic and Social Committee are required if the measures are covered by Article 2(3). Finally, measures covered by Article 4 require a qualified majority in the Council if they are not also covered by Article 2(3), and unanimity in the Council if they are also covered by Article 2(3).

See:

- ☐ Consultation procedure
- ☐ Cooperation procedure (Article 189c)
- ☐ Differentiated integration (flexibility)
- ☐ Economic and Social Committee
- ☐ Incorporation of the Social Policy Agreement (abolition of the Social Policy Protocol)
- ☐ Qualified majority
- ☐ Single institutional framework
- ☐ Social Charter
- ☐ Social dialogue
- ☐ Social Policy Agreement
- ☐ Social Policy Protocol
- ☐ Unanimity

Social Policy Agreement

The Social Policy Agreement is annexed to the Social Policy Protocol, which is itself annexed to the Treaty on European Union. It was signed by 11 of the then 12 Member States (the United Kingdom opted out) and sets out the social policy objectives for which the 1989 Social Charter paved the way: the promotion of employment, improved living and working conditions, the combating of exclusion, the development of human resources and so on. It also lays down the procedure for the adoption of social policy measures and clearly acknowledges the vital part played by management and labour in the dialogue on social policy.

See:

- ☐ Differentiated integration
- ☐ Incorporation of the Social Policy Agreement (abolition of the Social Policy Protocol)
- ☐ Opting out
- ☐ Single institutional framework
- ☐ Social Charter
- ☐ Social dialogue
- ☐ Social policy
- ☐ Social Policy Protocol

Social Policy Protocol

The Social Policy Protocol was adopted by the European Council in December 1991 at Maastricht. It is annexed to the Treaty on European Union and marks further progress on the European Social Charter. It was signed by 12 Member States and noted that 11 of them (since the United Kingdom did not share the social policy objectives of the other Member States) wished to make major advances on the basis of the Social Policy Agreement annexed to the Protocol. Following enlargement of the Union to include Austria, Finland and Sweden, the Protocol now reflects the views of 14 Member States.

See:

- ☐ Differentiated integration
- ☐ Incorporation of the Social Policy Agreement (abolition of the Social Policy Protocol)
- ☐ Single institutional framework
- ☐ Social Charter
- ☐ Social dialogue
- ☐ Social policy
- ☐ Social Policy Agreement

Subsidiarity

The subsidiarity principle is intended to ensure that decisions are taken as closely as possible to the citizen and that constant checks are made as to whether action at Community level is justified in the light of the possibilities available at national, regional or local level. Specifically, it is the principle whereby the Union does not take action (except in the areas which fall within its exclusive competence) unless it is more effective than action taken at national, regional or local level. It is closely bound up with the principles of proportionality and necessity, which require that any action by the Union should not go beyond what is necessary to achieve the objectives of the Treaty.

The Edinburgh European Council of December 1992 defined the basic principles of the concept of subsidiarity and laid down the guidelines for interpreting Article 3b, which entrenches subsidiarity in the

Treaty on European Union. Its conclusions were set out in a declaration which still serves as the cornerstone of the subsidiarity principle. To make even more certain that the principle is applied in practice, some Member States would like the main provisions of the Edinburgh Declaration to be written into the Treaty.

At the same European Council, in parallel with the declaration by the Member States, the European Commission submitted a list of proposals pending and legislation in force which it felt could be reconsidered in the light of the subsidiarity principle. It reports to the European Council and the European Parliament each year on the application of the principle.

See:

- ☐ European Council

Suspension clause

This refers to the idea of incorporating into the Treaty a provision allowing for the suspension of any Member State failing to respect human rights. One option put forward is that a proposal for suspension could be made by the Council and adopted by the European Council, with the possibility of referral to the Court of Justice.

See:

- ☐ Human rights

Sustainable development

The concept of sustainable development refers to a form of economic growth which satisfies society's needs in terms of well-being in the short, medium and — above all — long terms. It is founded on the assumption that development must meet today's needs without jeopardizing the prospects of future generations. In practical terms, it means creating the conditions for long-term economic development with due respect for the environment. The Copenhagen World Summit for Sustainable Development (March 1995) stressed the need to combat social exclusion and protect public health.

See:

- ☐ Competitiveness
- ☐ Globalization of the economy

T

Title V (CFSP)

Title V of the Treaty on European Union contains the provisions establishing a common foreign and security policy. It comprises Articles J to J.11.

See:

- ☐ Common foreign and security policy

Title VI (Justice and home affairs)

Title VI of the Treaty on European Union contains the provisions establishing cooperation in the fields of justice and home affairs. It comprises Articles K to K.9.

See:

- ☐ Justice and home affairs

Transparency

The term ‘transparency’ is frequently used in the language of the institutions to mean openness in the operation of the Community institutions. It is related to a variety of demands concerning broader public access to information and EU documents and greater clarity of texts (simplification of the Treaties, consolidation of legislation, etc.).

Complaints regarding a lack of transparency tend to reflect a general feeling that the European institutions are remote and secretive and that decision-making procedures are difficult for the ordinary European citizen to understand.

See:

- ☐ Democratic deficit

Transparency of Council proceedings

In the debate concerning the transparency of the Council’s proceedings, attention is focused on two main points:

- (i) public access to the Council’s proceedings;
- (ii) public access to Council minutes and the attached statements giving details of the voting.

Since amending its Rules of Procedure on 6 December 1993, the Council has pursued the following policy: as a general rule, its deliberations remain secret but it holds some open debates (e.g. on the Presidency’s six-monthly work programme). On the question of public access and details of the votes cast by Member States, the Council adopted (on 2 October 1995) a Code of Conduct which enables the public to gain access whenever the Council is acting in its legislative role. The practical arrangements for such access were laid down by the Permanent Representatives Committee on 8 November, in a report concerning the internal procedure to be followed.

See:

- ☐ Coreper
- ☐ Transparency

Troika

The ‘Troika’ consists of the Member State which currently holds the Presidency of the Council, the Member State which held it for the preceding six months and the Member State which will hold it for the

next six months. The Troika is assisted by the Commission and represents the Union in external relations coming under the common foreign and security policy. The formula may well be reviewed at the Intergovernmental Conference.

See:

- ☐ Common foreign and security policy

U

Unanimity

The term ‘unanimity’ refers to the requirement for all the Member States meeting in the Council to be in agreement before a proposal can be adopted. Since the Single European Act, the unanimity requirement has applied in a much more limited area than before. In the context of the first pillar, voting by qualified majority is now the rule. The second and third pillars, however, still operate exclusively according to the intergovernmental method and the unanimity requirement.

The possibility of restricting the scope of the unanimity requirement is being considered at the Intergovernmental Conference.

See:

- ☐ Council of the European Union
- ☐ Pillars of the European Union
- ☐ Qualified majority
- ☐ Single institutional framework

Uniform electoral procedure and composition of the European Parliament

Article 138 of the EC Treaty requires the European Parliament to draw up proposals for elections by direct universal suffrage in accordance with a uniform procedure in all Member States. Such a procedure would ensure that the different European political tendencies were more faithfully represented in Parliament. Any concrete proposals made in the past have foundered on national electoral traditions.

At present the number of seats in Parliament allocated to each country is a compromise between the actual demographic situation and equality between Member States in the shape of over-representation of the least populous. In order to safeguard the effectiveness of Parliament in an enlarged Union, Parliament has proposed that the principle of over-representation of the smaller States be maintained but that the maximum number of members should not exceed 700.

See:

- ☐ Assent procedure
- ☐ Enlargement
- ☐ European Parliament
- ☐ Unanimity

Union withdrawal clause

The idea of introducing a Union withdrawal clause has already been referred to. It would involve acknowledging each Member State's right to withdraw from the Union if the latter should start to move in a direction which the Member State concerned found unacceptable. Such an eventuality was provided for in Article 82 of the draft Treaty on European Union adopted by the European Parliament in 1984.

See:

- ☐ Differentiated integration (flexibility)

Universal service

Universal service is a concept developed by the Community institutions. It refers to the set of general interest demands to which services such as telecommunications and the mail should be subject throughout the Community. The aim is to ensure that all users have access to quality services at an affordable price.

See:

- ☐ Economic and social cohesion
- ☐ General-interest services
- ☐ Public service
- ☐ Public service charter
- ☐ Services of general economic interest

V

'Variable-geometry' Europe

'Variable-geometry' Europe is the term used to describe a method of differentiated integration which acknowledges that there are irreconcilable differences within the integration structure and therefore allows for a permanent separation between a group of Member States and a number of less developed integration units.

See:

- ☐ Differentiated integration (flexibility)
- ☐ Single institutional framework

W

Weighting of votes in the Council

When a decision is taken by qualified majority in the Council, the weighting of votes is the result of a compromise between Member States which, although equal in law, differ in various respects. One factor

determining the number of votes a Member State has is the size of its population, with an adjustment which leads to relative over-representation of the countries with a small population.

This system has worked well so far, since it has given legitimacy to the decisions taken. With the current distribution of votes it is impossible for the 'large' countries to combine to put the 'small' countries in a minority and vice versa. This gives a guarantee that decisions taken by qualified majority have the broadest possible support.

With a view to enlargement, a revision of the scale of weightings is being considered to ensure that the relative weight of the 'small' and 'medium-sized' countries is not out of proportion to the size of their population. In addition to this adjustment of the number of votes granted to each Member State, the possible introduction of a 'double majority' system is also being discussed.

See:

- ☐ Double majority
- ☐ Enlargement
- ☐ Qualified majority

Western European Union (WEU)

WEU is an organization which was set up in 1948 for the purposes of cooperation on defence and security. It consists of the Member States of the EU (except Austria, Denmark, Finland, Ireland and Sweden, which have observer status). Iceland, Norway and Turkey are associated States. The Treaty on European Union raised WEU to the rank of an 'integral part of the development of the Union' and gave it the task of elaborating and implementing decisions and actions which had defence implications.

See:

- ☐ Common foreign and security policy
- ☐ NATO (North Atlantic Treaty Organization)
- ☐ Petersberg Declaration of 19 June 1992 (Petersberg tasks)
- ☐ Renovated NATO
- ☐ WEU associate members
- ☐ WEU associate partners
- ☐ WEU observer status

WEU associate members

In their Maastricht Declaration of 10 December 1991, the WEU Member States invited the European countries that were members of NATO but not of the European Union to become associate members of WEU. There are three such countries: Iceland, Norway and Turkey. Their associate member status, which was specified in the Petersberg Declaration of 19 June 1992, allows them to participate fully in the meetings of the WEU Council and its working parties. A permanent liaison procedure enables them to be associated with the WEU Planning Cell. They are also entitled to express their views, but cannot veto a decision on which the Member States have reached a consensus. They can associate themselves with their decisions and join in WEU military operations under its command.

See:

- ☐ NATO (North Atlantic Treaty Organization)
- ☐ Western European Union (WEU)

- ☐ WEU associate partners
- ☐ WEU observer status

WEU associate partners

Ten Central and East European countries enjoy the status of Associate Partner: Bulgaria, Hungary, Poland, the Czech Republic, Romania, the Slovak Republic, Slovenia and the three Baltic States. It allows them to attend meetings of the WEU Council, where they are kept regularly informed of the activities of the Council working groups; they may be invited to participate in these groups on an *ad hoc* basis. They also have a permanent liaison arrangement with the Planning Cell. Finally, they may be involved in decisions taken by the Member States on the tasks listed in the Petersberg Declaration: humanitarian and rescue tasks, peacekeeping tasks, and tasks of combat forces in crisis management including peacemaking.

See:

- ☐ Petersberg Declaration of 19 June 1992 (Petersberg tasks)
- ☐ Western European Union (WEU)
- ☐ WEU associate members
- ☐ WEU observer status

WEU observer status

In their Maastricht Declaration of 10 December 1991 the Member States belonging to the WEU proposed that the other Member States of the European Union should be invited to join the WEU or to become observers. Austria, Denmark, Finland, Ireland and Sweden have observer status, which means that they may attend the meetings of the WEU Council, be invited to meetings of working parties and, on request, speak at such meetings.

See:

- ☐ Western European Union (WEU)
- ☐ WEU associate members
- ☐ WEU associate partners

White Paper

Commission White Papers are documents containing proposals for Community action in a specific area. In some cases they follow a Green Paper published to launch a consultation process at European level. Examples include the White Papers on the completion of the internal market; on growth, competitiveness and employment; and the approximation of the laws of the associated States of Central and Eastern Europe in areas of relevance to the internal market. When a White Paper has been favourably received by the Council, it can become the action programme for the Union in the area concerned.

See:

- ☐ Council of the Union
- ☐ European Commission
- ☐ Green Paper

European Commission

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